

October 19, 2010  
City Commission Room, 700 N. Jefferson, Junction City KS 66441

Mayor Mike Rhodes  
Vice Mayor Ken Talley  
Commissioner Terry Heldstab  
Commissioner Scott Johnson  
Commissioner Jack Taylor  
City Manager Gerry Vernon  
City Attorney Catherine Logan  
City Clerk Tyler Ficken

1. **7:00 P.M. - CALL TO ORDER**

- a. Moment of Silence.
- b. Pledge of Allegiance
- c. Most improved student awards presented by Junction City South Kiwanis.

2. **PUBLIC COMMENT:** The Commission requests that comments be limited to a maximum of five minutes for each person.

3. **CONSENT AGENDA:** All items listed are considered to be routine by the City Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda.

- a. The consideration and approval of **Appropriation Ordinance A-20-2010** dated September 30, 2010 to October 13, 2010 in the amount of \$371,454.61.
- b. Approval of the **October 5, 2010** City Commission Meeting Minutes.
- c. Monthly Reports:
  - 1. Rolling Meadows
  - 2. Police Department
  - 3. Fire Department
  - 4. EMS
- d. The consideration and approval of Pay Estimate #3 in the amount of \$57,427.17 to Clarke Well & Equipment, Inc. for construction of Water Supply Well No. 18; the project is 89.15% complete as of this pay estimate.

4. **APPOINTMENTS:**

5. **SPECIAL PRESENTATIONS:**

- a. Officer Wigton will present certificate/award to the yard of the month winner.

6. **PUBLIC HEARINGS:**

**7. UNFINISHED BUSINESS:**

- a. The consideration and approval of Ordinance **G-1082** updating City Code regarding the Junction City/Geary County Animal Shelter. **(Final Reading)**
- b. The consideration and approval of Ordinance **S-3086** a request to rezone the property at 416 W. Spruce from "RD" Duplex Residential to "PDD" Planned Development District. **David Yearout Presenting (Final Reading)**
- c. The consideration and approval of the Final Plat of the Ziegler Addition, a replat of the former Good Samaritan property. **David Yearout Presenting**
- d. The consideration and approval of Ordinance **S-3087** a request to rezone the property at the northwest corner of Webster St and Pine St. from "RG" General Residential to "RD" Duplex Residential. **David Yearout Presenting (Final Reading)**

**8. NEW BUSINESS:**

- a. The consideration and approval of a letter of interest with Schneider Electric for Energy Audit of City Buildings and Facilities to save Energy and Funds.
- b. The consideration and approval of **R-2632** authorizing a contract amendment with Grandview Plaza to increase the maximum amount of water Junction City will supply an to increase Grandview Plaza's water rate to a 15% premium for all water supplied after July 1, 2011. **(City Manager Vernon Presenting)**

**9. COMMISSIONER COMMENTS:**

**10. STAFF COMMENTS:**

**11. EXECUTIVE SESSION:**

- a. A session to discuss legal issues of attorney client privilege to include the City Commission, City Manager Vernon, and City Attorney Logan.

**12. ADJOURNMENT:**

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## City of Junction City

### City Commission

### Agenda Memo

Oct 19th 2010

**From:** Cynthia Sinkler, Water Billing and Accounts Payable Manager  
**To:** City Commissioners  
**Subject:** Appropriations –A-20 2010

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**Background:** Attached is listing of the Appropriations for Sept 30-Oct 13 2010

**Appropriations –Sept 30-Oct 13 2010 \$371,454.61**

**For consideration and approval for EFT payment:**

Visa payment	\$15,007.09
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**For confirmation only (EFT payment):**

Security Bank (see list)	99,965.15
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DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
-DEPARTMENTAL	GENERAL FUND	FAMILY SUPPORT PAYMENT CENTER (MISSOURI INTERNAL REVENUE SERVICE	MACSS #41061331/ CV103-753	154.85
			FEDERAL WITHHOLDING	22,431.63
			FICA WITHHOLDING	3,769.79
		ING LIFE INSURANCE & ANNUITY COMPANY	MEDICARE WITHHOLDING	2,998.43
			ING	2,596.58
			BLUE CROSS BLUE SHIELD	743.02
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	634.63
			BLUE CROSS BLUE SHIELD	1,411.44
			BLUE CROSS BLUE SHIELD	827.09
			BLUE CROSS BLUE SHIELD	833.05
			BLUE CROSS BLUE SHIELD	575.05
			BLUE CROSS BLUE SHIELD	418.88
		JUNCTION CITY FIREFIGHTERS AID ASSOCIATION	FIREFIGHTERS AID ASSOCIATION	112.57
		U.S. DEPARTMENT OF EDUCATION	U.S. DEPARTMENT OF EDUCATION	206.00
		SHEA, RIGDON & CARVER	SHEA, RIGDON & CARVER	309.36
		KANSAS PAYMENT CENTER	KANSAS PAYMENT CENTER	624.53
		FIREMEN'S RELIEF ASSOCIATION	FIREMANS RELIEF	291.77
		JUNCTION CITY FIRE FIGHTERS ASSOCIATION	I.A.F.F. LOCAL 3309	945.55
		JUNCTION CITY POLICE	JCPOA	710.00
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	9,506.07
		KANSAS PUBLIC EMPLOYEES	KPERS #1	1,937.89
			KP&F	11,408.20
			KPERS #2	634.66
		INTRUST BANK	FIRST STATE BANK	2,265.34
		PRE-PAID LEGAL SERVICES,	PREPAID LEGAL	296.49
		ROLLING MEADOWS GOLF COURSE	ROLLING MEADOWS GOLF COURSE	37.50
		UNITED WAY OF JUNCTION CITY-GEARY COUNCIL	UNITED WAY	<u>264.53</u>
			TOTAL:	66,944.90
INFORMATION SYSTEMS	GENERAL FUND	VERIZON WIRELESS	GVP EVDO WIRELESS CARDS	80.02
			IS Director	53.82
			IS Specialist	54.07
		NCKCN.COM	Web Site Hosting Fee	10.00
		NEX-TECH	INFORMATION SYSTEMS	<u>4.94</u>
			TOTAL:	202.85
ADMINISTRATION	GENERAL FUND	ING LIFE INSURANCE & ANNUITY COMPANY	ING	334.62
			210-7021=CITY CLERK	53.32
		VERIZON WIRELESS	210-7187=FINANCE DIRECTOR	53.32
			223-7047=PUBLIC SERVICE DIRECTOR	56.82
			223-7779=CITY MANAGER	53.57
		KANSAS COURT OF TAX APPEALS	DIFFERENCE OWED TAX EXEMPT	535.00
		SECURITY SOLUTIONS INC	ALARM CITY CLERK OFFICE	18.00
		MONTGOMERY COMMUNICATIONS INC	G-1078 WATER INCREASE	160.86
			G-1079 SEWER INCREASE	120.25
			S-3085 SALES TAX INCREASE	111.70
			NOTICE OF REAL PROPERTY	231.54
			NOTICE OF PUBLIC HEARING	71.09
			G-1077 TRAFFIC ORDINANCE	113.84
		NEX-TECH	9/11 SIG	10.00
			ADMINISTRATION	24.80
		LATHROP AND GAGE	ADMINISTRATIVE SERVICES	4.94
			GEN LABOR & EMPLOYEE ISSUE	<u>6,132.00</u>
			TOTAL:	8,085.67
KS	GENERAL FUND	GAME TIME ATHLETICS	RATHERT STADIUM	3,295.00



DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		DAVIS CONTRUCTION	CONTRACT MOWING	3,333.69
		VERIZON WIRELESS	209-0933=PARKS WORKER	32.98
			209-1306=PARKS WORKER	32.98
			210-7130=PARKS WORKER	32.98
			210-7131=PARKS/REC DIRECTO	53.32
			223-1324=PARKS WORKER	32.98
		STAPLES ADVANTAGE	EYE WASH SOLUTION	18.70
		NEX-TECH	PARKS	0.79
		ROTHWELL LANDSCAPE INC	FERTILIZER APPLICATION	276.00
			FERTILIZER APPLICATION	<u>450.00</u>
			TOTAL:	7,559.42
MMING POOL	GENERAL FUND	SECURITY SOLUTIONS INC	ALARM CITY POOL-1017 W 5TH	<u>15.00</u>
			TOTAL:	15.00
PORT	GENERAL FUND	KANSAS AIR CENTER	OCTOBER 2010-MONTHLY CONTR	<u>1,833.33</u>
			TOTAL:	1,833.33
ULANCE	GENERAL FUND	MILITARY OUTLET, L.C.	SEWING	4.71
		VERIZON WIRELESS	223-1237 (M3)	0.05
			223-1240 (M2)	7.75
			223-1040 (E20)	2.37-
			223-1238 (M4)	2.31-
			223-1243 (M1)	0.10-
			223-7309 (CHIEF STEINFORT)	28.90-
		ARSI (ACCOUNT RECOVERY SPECIALSTS, INC	COLL AGENCY PYMT/ACCTS PD	216.73
		KA-COMM	REPAIR RADIO	15.00
			REPAIR RADIO	15.00
			REPAIR RADIO	60.00
		FIRESTONE MASTER CAR SERV	REPAIR TIRE	11.00
			REPAIR TIRE	1.99
		MOORE MEDICAL LLC	MEDICAL SUPPLIES	327.26
		NEX-TECH	AMBULANCE	20.15
		OMNI BILLING	SEP 2010 AM BILLING	<u>3,198.79</u>
			TOTAL:	3,844.75
NTY/INS ZONING SVCS GENERAL FUND		VERIZON WIRELESS	Zoning Administrator	53.32
		NEX-TECH	ZONING/COUNTY INSPECTION	<u>4.95</u>
			TOTAL:	58.27
INEERING	GENERAL FUND	VERIZON WIRELESS	Engineering Assistant	<u>32.98</u>
			TOTAL:	32.98
ES ENFORCEMENT	GENERAL FUND	VERIZON WIRELESS	Public Works Secretary	53.32
			Senior Inspector	63.31
			Inspector	53.32
			Public Works Director	6.80-
		MONTGOMERY COMMUNICATIONS INC	G-1075 SUBDIVISION REGULAT	220.71
			NOTICE OF PUBLIC HEARING	79.64
			R-2631 CONDEMN 1803 OAKRID	214.30
			R-2625 CONDEMN 914-16 KRAM	205.75
		NEX-TECH	CODE ENFORCEMENT	<u>12.36</u>
			TOTAL:	895.91
ICE	GENERAL FUND	VERIZON WIRELESS	PD EVDO WIRELESS CARDS	320.08
			2091250-Vacant	4.93

ARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			2091817-DTF	4.93
			2231035-Patrol Lieutenant	32.98
			2231036-Patrol Sergeant	32.98
			2231038-Chief SECRETARY	53.32
			2231219-DTF Sergeant	56.80
			2231328-K-9	40.42
			2231330-Patrol Captain	53.32
			2231334-Lab	53.32
			2231335-Inv Captain	54.32
			2231336-Inv Lieutenant	38.58
			2231350-DTF	4.93
			2231355-Edgar	38.42
			2237219-City of JC	55.82
			22372210-DTF	4.93
			7615777-DTF	55.07
			7616016-DTF Lieutenant	55.07
			7616047-SO DTF	55.07
			2090086-DTF	33.02
		STAPLES ADVANTAGE	8016637947 TONER CARTRIDGE	556.64
		GOOGLE	63115-114118 SEARCH WARRANT	25.00
		DISC	2433 DATA SVCS AUGUST 2010	315.97
		KA-COMM	91677 DATA BACKBONE SYSTEM	150.00
			91677 DATA BACKBONE SYSTEM	150.00
		DAVE'S ELECTRIC, INC.	Ash St Tower Back up Gener	114.71
		UNIVERSITY OF KS	BASIC CRIME PREVENTION-WIG	50.00
			CUSTOMER SVC TRNG-EDGAR	75.00
			CUSTOMER SVC TRNG-LEITHOFF	75.00
		GEARY COUNTY SHERIFF	JAIL EXPENSE SEPTEMBER 201	30,000.00
		NEX-TECH	POLICE	84.52
			DISPATCH	84.52
		SERVICEMASTER	3347 PD-JANITORIAL SERVICE	754.00
			TOTAL:	33,483.67
E	GENERAL FUND	VERIZON WIRELESS	223-0009 (522)	2.37-
			209-0124 (STN 2 CAPT)	1.98-
			209-0255 (BC)	1.20-
			209-0668 (STN 1 CAPT)	1.59-
			223-1231 (521)	2.37-
			223-1233 (522)	2.37-
			223-1235 (E30)	2.37-
			223-1388 (E10)	2.37-
		DONALD STREMMING	2010 UNIFORM ALLOWANCE	100.00
		MIKE'S FIRE EXT. SALES	RECHARGE EXTINGUISHER/L1	44.55
		NEX-TECH	FIRE	20.15
		DAVID NELSON	2010 UNIFORM ALLOWANCE	100.00
		WIZARD'S ELECTRONIC SVC	REPAIR TV/AUGUST INVOICE	185.00
			TOTAL:	433.08
EET	GENERAL FUND	F & R SERVICES	14TH ST-OPPOSITE RATHERT F	20.00
			1701 N ADAMS	15.00
			BEL AIR & FOGARTY	10.00
			8TH ST AT GARFIELD DITCH	5.00
			AIRPORT/JACKSON ST ROW-ALL	710.00
			ANNEX PARKING LOT BEHIND D	12.00
			COMMONWEALTH DRIVE ROW	25.00
			GRANT AVE ISLAND-FRONTAGE	300.00

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			MONROE ST DRAINS	10.00
			WATER PLANT-EXCEPT AROUND	400.00
			WESTWOOD BLVD-ISLANDS	150.00
			BRIDGE GUARDRAIL-EISEN & 1	5.00
			514 W 14TH ST	27.00
			516 W 14TH ST	27.00
			438 W 11TH ST	27.00
			EAST 10TH ST PROPERTY	100.00
			K-18 ROW	50.00
			ELM DALE ROAD ROW	75.00
			CHESTNUT&I-70 RAMP	630.00
			PUMP STATIONS @ ADAMS ST	75.00
			ELM DALE ROAD RIGHT SIDE	150.00
			AREA IN FRONT OF CRACKER B	100.00
			12 ACRES OF NEW GRASS AIR	<u>240.00</u>
			TOTAL:	3,163.00
RT	GENERAL FUND	GLADNEY, ROBERT	BOND REFUND TT133873	145.00
		CORDRAY, PHILLIP	BOND REFUND CASE 10-05292	161.24
		NEX-TECH	MUNICIPAL COURT	12.36
		SHELL STATION	RESTITUTION 10-05285	<u>540.00</u>
			TOTAL:	859.60
OPERA HOUSE	GENERAL FUND	VERIZON WIRELESS	209-1265 OPERA HOUSE	53.57
			223-1043-OPERA HOUSE	53.32
			223-1321-D.LAUGHLIN	53.57
		NEX-TECH	OPERA HOUSE	<u>12.36</u>
			TOTAL:	172.82
CTION CITY ARTS	GENERAL FUND	SECURITY SOLUTIONS INC	ALARM ARTS COUNCIL-109 W7	<u>22.00</u>
			TOTAL:	22.00
REATION	GENERAL FUND	VERIZON WIRELESS	210-6980=RECREATION DIRECT	58.07
		STAPLES ADVANTAGE	EYE WASH SOLUTION	18.70
		SECURITY SOLUTIONS INC	ALARM 12TH ST COMM-1002 W	18.00
		NEX-TECH	RECREATION	8.92
		CINTAS #451	MATS	27.48
			MATS	<u>27.48</u>
			TOTAL:	158.65
-DEPARTMENTAL	GRANTS	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	981.99
			FICA WITHHOLDING	271.60
			MEDICARE WITHHOLFING	166.81
		ING LIFE INSURANCE & ANNUITY COMPANY	ING	175.00
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	79.72
			BLUE CROSS BLUE SHIELD	66.76
			BLUE CROSS BLUE SHIELD	202.04
		JUNCTION CITY FIREFIGHTERS AID ASSOCIA	FIREFIGHTERS AID ASSOCIATI	12.43
		FIREMEN'S RELIEF ASSOCIATION	FIREMANS RELIEF	32.23
		JUNCTION CITY FIRE FIGHTERS ASSOCIATIO	I.A.F.F. LOCAL 3309	104.45
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	430.56
		KANSAS PUBLIC EMPLOYEES	KPERS #1	188.97
			KP&F	508.46
		INTRUST BANK	FIRST STATE BANK	106.03
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	<u>21.68</u>
			TOTAL:	3,348.73

ARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
RGENCY SHELTER	GRANTS	OPEN DOOR COMM. HOUSE	AUG 2010-ESG GRANT PROCEED	6,083.50
			JULY 2010-ESG GRANT PROCEE	<u>2,138.38</u>
			TOTAL:	8,221.88
F HELP HOUSING	GRANTS	VERIZON WIRELESS	SHH Coordinator	32.98
			SHH Director	53.57
			SHH Construction	32.98
		STAPLES ADVANTAGE	FILE HANGERS/POST ITS/STAP	64.62
		EXPERIAN	CREDIT CHECKS-SEPT 2010	39.35
		HOME LUMBER CO.	FINISHING TROWEL	13.94
			MITER SAW W/LASER	169.00
			CHISEL SCRAPER/DRYWALL SAW	17.35
		KEY OFFICE EQUIPMENT	INDEX/RINGBK,STAB, PAPER	12.79
		NEX-TECH	SELF HELP HOUSING	4.94
		WATERS HARDWARE	BLAD KNIFE/STUD FINDER/	40.97
			STEEL WHEEL	18.98
			PIPE CLAMP/TEFLON PASTE/PI	34.97
			THUMB SWEEPER NOZZLE	<u>3.49</u>
			TOTAL:	539.93
-DEPARTMENTAL	SPIN CITY	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	82.45
			FICA WITHHOLDING	263.20
			MEDICARE WITHHOLFING	61.55
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	58.96
		KANSAS PUBLIC EMPLOYEES	KPERS #1	<u>42.56</u>
			TOTAL:	508.72
N CITY	SPIN CITY	LANDMARK NATIONAL BANK	OCT 2010-LOAN PAYMENT	8,717.87
			CANDY,BUNS, CHEESE	122.75
			CUPS, LIDS,	42.78
			SANITIZER, TOWELS, TRASH B	124.67
		VERIZON WIRELESS	223-1084=SPIN CITY MANAGER	53.82
		STAPLES ADVANTAGE	TAMPER PROOF MONEY BAGS	37.46
		EAE ENTERPRISES	STAFF SHIRTS	299.80
		SNACK EXPRESS	CHIPS	30.00
			CANDY,CHIPS	<u>92.80</u>
			TOTAL:	9,521.95
-DEPARTMENTAL	MILITARY AFFAIRS/O	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	161.64
			FICA WITHHOLDING	145.83
			MEDICARE WITHHOLFING	34.10
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	76.70
		KANSAS PUBLIC EMPLOYEES	KPERS #1	77.09
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	<u>10.00</u>
			TOTAL:	505.36
-DEPARTMENTAL	WATER & SEWER FUND	FAMILY SUPPORT PAYMENT CENTER (MISSOURI	MACSS #41061331/ CV103-753	154.85
			FEDERAL WITHHOLDING	2,156.98
			FICA WITHHOLDING	1,398.43
			MEDICARE WITHHOLFING	327.05
		ING LIFE INSURANCE & ANNUITY COMPANY	ING	221.00
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	33.28
			BLUE CROSS BLUE SHIELD	211.55
			BLUE CROSS BLUE SHIELD	119.58
			BLUE CROSS BLUE SHIELD	99.79
			BLUE CROSS BLUE SHIELD	292.55

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	919.08
		KANSAS PUBLIC EMPLOYEES	KPERS #1	692.21
			KPERS #2	362.96
		INTRUST BANK	FIRST STATE BANK	133.37
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	<u>37.54</u>
			TOTAL:	7,160.22
ER PRODUCTION	WATER & SEWER FUND	COREFIRST BANK	DISTRICT-BUDGET/CONTRACT	951.90
			DISTRICT-BUDGET/CONTRACT	<u>951.90</u>
			TOTAL:	1,903.80
ER ADMINISTRATION	WATER & SEWER FUND	VERIZON WIRELESS	209-1393=METER READER	33.18
			210-6618=METER READER	33.16
			223-1358=CITY TREASURER	55.07
		CENTRAL NATIONAL BANK	LEASE-PRINCIPAL	16,797.26
			LEASE-INTEREST	4,333.86
		SECURITY SOLUTIONS INC	ALARM WUPD 2307 N JACKSON	35.00
		NEX-TECH	WATER ADMINISTRATION	25.23
		CINTAS #451	SCRAPER/BROWN MAT	24.96
			UNIFORMS-LANGDON, KENNY	9.74
			SCRAPER/BROWN MAT	24.96
			UNIFORMS-LANGDON, KENNY	9.74
			SCRAPER/BROWN MAT	40.36
			UNIFORMS-LANGDON, KENNY	<u>9.74</u>
			TOTAL:	21,432.26
-DEPARTMENTAL	ROLLING MEADOWS GO	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	1,019.90
			FICA WITHHOLDING	590.05
			MEDICARE WITHHOLDING	137.99
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	55.45
			BLUE CROSS BLUE SHIELD	33.60
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	385.94
		KANSAS PUBLIC EMPLOYEES	KPERS #1	297.45
			KPERS #2	43.20
		INTRUST BANK	FIRST STATE BANK	25.84
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	<u>15.00</u>
			TOTAL:	2,604.42
F COURSE	ROLLING MEADOWS GO	VERIZON WIRELESS	209-1193 G. ONEAL CELL	32.98
			209-0046 J. CARTER CELL	53.32
			223-1419 J. WIMBISH CELL	54.32
		PRIZE POSSESSIONS	CLUB CHAMP TROPHIES	160.65
		FEDEX	SHIPPING	10.57
			SHIPPING	8.28
		FLINT HILLS BEVERAGE LLC	FLINT HILLS BEVERAGE LLC	82.02
		GEARY COUNTY RWD #4	SEPTEMBER WATER BILL	77.42
		NIVEL PARTS & MANUFACTURING CO., LLC	CART KEYS	88.99
		NCKCN.COM	DOMAIN FEES	100.00
		NEX-TECH	GOLF COURSE	1.81
		TIELKE ENTERPRISE, LLC	SANDWICH ORDER	<u>46.86</u>
			TOTAL:	717.22
-DEPARTMENTAL	STORM WATER	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	38.02
			FICA WITHHOLDING	21.72
			MEDICARE WITHHOLDING	5.08
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	9.97

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	14.80
		KANSAS PUBLIC EMPLOYEES	KPERS #1	<u>14.52</u>
			TOTAL:	104.11
-DEPARTMENTAL	ECONOMIC DEVELOPME	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	208.55
			FICA WITHHOLDING	180.50
			MEDICARE WITHHOLDING	42.21
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	55.45
			BLUE CROSS BLUE SHIELD	39.86
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	120.78
		KANSAS PUBLIC EMPLOYEES	KPERS #1	79.49
			KPERS #2	64.80
		INTRUST BANK	FIRST STATE BANK	50.00
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	<u>10.00</u>
			TOTAL:	851.64
NOMIC DEVELOPMENT	ECONOMIC DEVELOPME	GARAGE DOOR PLACE	PASS THROUGH DOOR, WINDOW	4,928.88
		DAVE'S ELECTRIC, INC.	ELECTRIC UPGRADE	21,391.90
		NEX-TECH	EDC	9.96
		PLATINUM BROADCASTING	ADVERTISING	<u>199.00</u>
			TOTAL:	26,529.74
CIAL HIGHWAY	SPECIAL HIGHWAY FU	NEX-TECH	ENGINEERING	<u>12.36</u>
			TOTAL:	12.36
ITAL IMPROVEMENT	CAPITAL IMPROVEMEN	SPIRIT OF 76	EDC GRANT CAPGEMINI	<u>42,709.06</u>
			TOTAL:	42,709.06
LITY CHARGES	UTILITY CHARGES FU	KANSAS GAS SERVICE	2718 INDUSTRIAL-SEPT 2010	103.60
			AIRPORT MAINTENANCE BLDG	28.92
			312 E 9TH	27.12
			900 W SPRUCE	26.21
			2232 W ASH (WATER TOWER)	602.12
			2245 LACY DR	93.00
			2424 N JACKSON	44.28
			225 W 7TH	29.84
			701 N JEFFERSON	36.15
			1017 W 5TH	254.04
			915 S WASHINGTON	69.86-
			700 N JEFFERSON	190.74
			2307 N JACKSON	28.46
			2324 1/2 N JACKSON	32.54
			1017 1/2 W 5TH	29.84
			210 E 9TH	436.68
			540 AIRPORT RD	57.91
			1002 W 12TH	50.60
		WESTAR ENERGY	2618 MID AMERICA-A-SEPT 20	111.89
			2618 MID AMERICA-B-SEPT 20	2,069.57
			2718 INDUSTRIAL-OCTOBER 20	2,978.41
			351 E CHESTNUT-OCT 2010	247.42
			601 E CHESTNUT-OCTOBER 201	314.57
			617 N WASHINGTON-OCT 2010	18.24
			900 W 12TH PARK-OCT 2010	16.80
			902 E CHESTNUT-OCT 2010	303.07
			1222 W 8TH ST SIREN	18.13
			5TH ST PARK	167.03

ARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			5TH ST PARK PALS	132.83
			8TH & JEFFERSON	71.35
			WASHINGTON	207.63
			CHESTNUT&WASHINGTON LIGHTS	84.45
			6&7 BLOCK OF WASHINGTON	146.81
			6TH & ADAMS	128.46
			9TH & WASHINGTON	95.08
			8TH & JACKSON	100.21
			14TH& JACKSON	88.26
			6TH & GARFIELD	133.69
			6TH & EISENHOWER	56.77
			10TH & WASHINGTON	79.08
			6TH & WEBSTER	130.42
			6TH & JACKSON	22.51
			2324 N JACKSON	99.35
			904 N FRANKLIN ST PAL	22.13
			CORONADO PARK SHELTER	18.02
			AIRPORT MAIN BUILDING	359.09
			221 W 7TH	315.78
			225 W 7TH	9.52
			JC BILL	120.65
			MUNICIPAL BUILDING	44.78
			JC ANIMAL SHELTER	603.65
			JC LITTLE THEATRE	36.84
			RIMROCK PARK	82.64
			NORTH PARK	22.13
			SOUTH PARK	71.91
			SECOND PORTION OF SOUTH PA	59.44
			FILBY PARK	55.26
			JUNCTION CITY	185.92
			MUNICIPAL BUILDING	4,328.95
			SECOND PORTION OF NORTH PA	104.64
			S BALL PARK CONC	20.58
			CRESTVIEW DRIVE	16.80
			W 5TH TENNIS CT STGE BD	202.80
			5TH & WASHINGTON	325.70
			SERTOMA BALL PARK	16.80
			AIRPORT FLASHER LTS	44.15
			CLEARY PARK	343.30
			CORONADO PARK	11.89
			RATHERT FIELD	39.99
			SERTOMA BALL PARK	16.80
			RATHERT FIELD	376.39
			CLEARY PARK PLAYGROUND	20.65
			5TH ST POOL	473.88
			5TH & EISENHOWER	95.02
			1200 N FRANKLIN ST	48.45
			RIMROCK PARK	234.88
			CIVIL DEFENSE SIREN	30.25
			CIVIL DEFENSE SIREN	30.25
			CIVIL DEFENSE SIREN	30.25
			630 1/2 E TORNADO SIREN S	27.76
			ST MARYS CEMETARY	27.76
			200 N EISENHOWER	200.77
			107 S WASHINGTON	17.33
			BLINKER LIGHT	17.33

ARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			701 N JEFFERSON	239.18
			CLEARY COURT	16.80
			915 W 4TH	11.89
			9TH & 100 BLK W 9TH	22.13
			CDR LT 9TH & FILLEY	41.32
			PAWNEE PARK	20.65
			RATHERT FIELD	88.56
			AIRPORT LEASED HANGER	326.74
			INDUSTRIAL PARK	61.97
			540 AIRPORT ROAD	18.24
			15TH & WASHINGTON	17.15
			SPRUCE STREET	18.42
			SPRUCE & BUNKERHILL	49.78
			UTILITY PARKING LOT	49.78
			UTILITY PARKING LOT	93.52
			JEFERSON BETWEEN 6	93.52
			DR MINNICK PARK LOT	93.52
			6TH & MADISON	90.15
			8TH & WASHINGTON	57.71
			210 E 9TH	2,948.27
			6TH & FRANKLIN	74.69
			8TH & JEFFERSON	312.52
			PARKING LOT	74.43
			1903 SUNFLOWER DRIVE	30.26
			1020 1/2 W 11TH ST	53.19
			CORONADO TENNIS COURT	16.80
			WASHINGTON BRIDGE	61.59
			S OF BALL PARK 2 & 3	16.80
			16TH & WASHINGTON	17.24
			AIRPORT RD & JACKSON S SI	27.00
			1935 NORTHWIND	18.66
			403 GRANT AVE SIREN	22.25
			1935 NORTHWIND	21.81
			8TH & 9TH ST	5.25
			11TH ST	5.25
			703 W ASH ST SIREN	16.89
			1102 ST MARYS RD SIREN	18.91
			312 E 9TH ST	311.03
			2232 W ASH WASTER TOWER	83.92
			BALL PARK ST CONC	189.26
			1002 W 12TH ST	3,609.52
			2245 LACY DR	818.11
			807 N WASHINGTON ST LIGHT	187.53
			615 N WASHINGTON ST LIGHT	119.28
			716 N WASHINGTON ST LIGHT	192.48
			132 N EISENHOWER	17.33
			105 W 7TH ST	116.98
			107 W 7TH ST	89.76
			109 W 7TH ST	33.69
			302 W 18TH ST	246.26
			420 GRANT AVE	88.84
			1419 N JEFFERSON	18.72
			1618 N JEFFERSON	18.91
			2307 N JACKSON	227.47
			915 S WASHINGTON	1,267.43
			915 S WASHINGTON-GOLF	313.03



ARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			1021 GRANT AVE	27.63
			2800 GATEWAY COURT	21.64
			2301 VALLEY DRIVE	46.76
			US HWY 77 & MCFARLAND	52.81
			2022 LACY DRIVE SIREN	18.33
			1200 S WASHINGTON ST	231.01
			316 N US HIGHWAY 77	18.24
			930 E GUNNER ST	104.86
			701 SOUTHWIND DR SIREN	21.28
			920 E GUNNER ST	85.85
			145 E ASH ST	130.16
			1760 W ASH SIGNAL	37.23
			601 W CHESTNUT ST FLAG	16.80
			600 W 6TH ST	32.63
			14TH & CUSTER SE	0.00
			1121 S US HWY 77	17.50
			401 CAROLINE COURT	18.48
			MISC CREDIT	17.69-
			ST LIGHTS-OCTOBER 2010	<u>23,232.82</u>
			TOTAL:	56,134.08
LOYEE BENEFITS	EMPLOYEE BENEFITS	INTERNAL REVENUE SERVICE	FICA WITHHOLDING	6,673.69
			MEDICARE WITHHOLFING	3,811.46
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	2,418.88
			BLUE CROSS BLUE SHIELD	302.36
			BLUE CROSS BLUE SHIELD	604.72
			BLUE CROSS BLUE SHIELD	4,233.04
			BLUE CROSS BLUE SHIELD	9,373.16
			BLUE CROSS BLUE SHIELD	151.18
			BLUE CROSS BLUE SHIELD	453.54
			BLUE CROSS BLUE SHIELD	302.36
		KANSAS PUBLIC EMPLOYEES	KPERS #1	5,983.29
			KP&F	22,429.56
			KPERS #2	<u>1,315.66</u>
			TOTAL:	58,052.90
DOWN SALUTE	SUNDOWN SALUTE	SUNDOWN SALUTE INC	SEP 10 WATER BILL DONATION	<u>511.00</u>
			TOTAL:	511.00
-DEPARTMENTAL	DRUG & ALCOHOL ABU	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	308.33
			MEDICARE WITHHOLFING	30.62
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	39.86
		JUNCTION CITY POLICE	JCPOA	20.00
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	115.60
		KANSAS PUBLIC EMPLOYEES	KP&F	<u>150.62</u>
			TOTAL:	665.03
-DEPARTMENTAL	SPECIAL LE TRUST F	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	32.80
			FICA WITHHOLDING	32.57
			MEDICARE WITHHOLFING	7.62
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	8.40
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	15.88
		KANSAS PUBLIC EMPLOYEES	KPERS #1	21.85
		INTRUST BANK	FIRST STATE BANK	<u>12.50</u>
			TOTAL:	131.62

ARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
CIAL LAW ENFORCEMEN	SPECIAL LE TRUST F	GEARY COUNTY ATTORNEY	09CV106 ATTORNEY FEES FORF	452.00
			09CV234 ATTORNEY FEES FORF	177.29
			09CV307 ATTORNEY FEES FORF	58.65
			09CV310 ATTORNEY FEES FORF	160.20
			10CV11 ATTORNEY FEES FORFE	37.50
			10CV25 ATTORNEY FEES FORFE	182.20
			10CV53 ATTORNEY FEES FORFE	46.95
		GRANDVIEW PLAZA PD	09CV310 ASSET SHARING	106.80
		VERIZON WIRELESS	2463377582 DTF PHONE SERVI	47.46
			MODEM AND DATA MODEM	141.94
		GEARY COUNTY SHERIFF	09CV310 ASSET SHARING	106.80
		NEX-TECH	DRUG TASK FORCE	5.89
			TOTAL:	1,523.68

===== FUND TOTALS =====		
01	GENERAL FUND	127,764.90
02	GRANTS	12,110.54
10	SPIN CITY	10,030.67
14	MILITARY AFFAIRS/OLD TROO	505.36
15	WATER & SEWER FUND	30,496.28
17	ROLLING MEADOWS GOLF FUND	3,321.64
18	STORM WATER	104.11
19	ECONOMIC DEVELOPMENT	27,381.38
22	SPECIAL HIGHWAY FUND	12.36
25	CAPITAL IMPROVEMENT FUND	42,709.06
30	UTILITY CHARGES FUND	56,134.08
35	EMPLOYEE BENEFITS FUND	58,052.90
46	SUNDOWN SALUTE	511.00
47	DRUG & ALCOHOL ABUSE FUND	665.03
50	SPECIAL LE TRUST FUND	1,655.30
GRAND TOTAL:		371,454.61

SELECTION CRITERIA

LECTION OPTIONS

DOR SET: 01-CITY OF JUNCTION CITY, KS  
DOR: All  
SSIFICATION: All  
K CODE: All  
M DATE: 0/00/0000 THRU 99/99/9999  
M AMOUNT: 9,999,999.00CR THRU 9,999,999.00  
POST DATE: 0/00/0000 THRU 99/99/9999  
CK DATE: 9/30/2010 THRU 10/13/2010

ROLL SELECTION

ROLL EXPENSES: NO  
CK DATE: 0/00/0000 THRU 99/99/9999

NT OPTIONS

NT DATE: None  
UENCE: By Department  
RIPTION: Distribution  
ACCTS: NO  
ORT TITLE: APPROPRIATIONS--SEPT 30-OCT 13 2010  
NATURE LINES: 0

KET OPTIONS

LUDE REFUNDS: YES  
LUDE OPEN ITEM:NO

**CITY COMMISSION MINUTES**

October 5, 2010

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, October 5, 2010 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Gerry Vernon, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

**PUBLIC COMMENT**

Ken Dunham of Hoover Rd. stated that According to Chuck Otte, biosolids materials would need to be put into the ground. The farmers in the area do not want the material. He stated that he is worried because the land is in a flood plain and could get into the river.

Jimmy Berch of 1417 Hoover Rd said that he feared that the biosolids would go to the river. He stated that Topeka is already having problems with their water.

Robert Davis of 1205 Hoover Rd stated that he is worried his property value will decrease. He said he is worried that his grandchildren may come into contact with the biosolids. He stated that if the land is used for this purpose it would be difficult to sell in the future; the bank of the river is already washing out.

Kelly Seally of 701 S. Clay St. commented on item 8d, and stated that he is worried that his property value may go down if duplexes are built in the area.

**CONSENT AGENDA**

The consideration and approval of **Appropriation Ordinance A-19-2010** dated September 16, 2010 to September 29, 2010 in the amount of \$1,746,321.07. Commissioner Heldstab moved seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

Approval of the **September 21, 2010** City Commission Meeting Minutes. Commissioner Heldstab moved seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Payroll #18 & 19 for the month of September 2010. Commissioner Heldstab moved seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

**Monthly Reports:**

1. Police Department

## 2. Finance Review

The consideration and approval of Amendment No. 3 by Burns & McDonnell for additional Construction Observation Services for Well #18, increasing the contract amount by \$16,500.00. Commissioner Heldstab moved seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Amendment No. 4 by Burns & McDonnell to amend Scope of Services for Water Supply Well No. 18, increasing the contract amount by \$5,000.00. Commissioner Heldstab moved seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of final pay estimate #11 in the amount of \$19,771.43 by Larkin Excavating, Inc. for Construction services through March 17, 2010 for the Spring Valley Road – McFarland Road to Wildcat Lane project. This project is 100% complete as of this pay estimate. Commissioner Heldstab moved seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

### **SPECIAL PRESENTATIONS**

A proclamation recognizing October as National Breast Cancer Awareness Month. Mayor Rhodes presented the proclamation.

A proclamation recognizing October 3<sup>rd</sup> – October 9<sup>th</sup>, 2010 as Fire Prevention Week. Mayor Rhodes presented the proclamation.

A proclamation recognizing October 23, 2010 as Buddy Poppy Day. Mayor Rhodes presented the proclamation.

A proclamation recognizing October as Domestic Violence Awareness Month. Mayor Rhodes presented the proclamation.

City of Junction City snow removal plan update presentation. (Exhibit A)

### **PUBLIC HEARING**

### **UNFINISHED BUSINESS**

The Consideration and approval of ordinance (**G-1081**) amending Title V, Building and Construction, Title VII, Utilities, of the Municipal Code of the City of Junction City by revising language regarding what improvements may be made in lands dedicated as rights-of-way and/or easements and clarifying the permitting and fee requirements for driveways and lawn sprinkler systems. (**Final Reading**) Yearout. Commissioner Talley asked if fences could obstruct waterways. Dave Yearout stated that fences would not be allowed to create dams. Commissioner Heldstab moved, seconded by

Commissioner Talley to approve G-1081 on final reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of a farmland lease agreement with NutriJect for the Kaw Valley Industrial Park farmland. Commissioner Johnson stated that he has no problem with this product being placed in the City; demand for the biosolids does not appear to be high. Commissioner Johnson would like the lease to go to the next highest bidder. City Attorney Logan stated that she checked City code, and the application of biosolids in the City is not illegal. Commissioner Johnson stated that the City should keep what can be built on at the industrial park, and sell the remainder. Mayor Rhodes stated that the next highest bidder was at \$16,000 per year. Commissioner Talley suggested that the biosolids could be applied at the airport. Chief Steinfort stated that there is a small amount of grass there. Commissioner Heldstab stated that he is worried that the \$10,000.00 in saving from NutriJect could be lost if the land is not used. Steve Hoambrecker Provided a letter from KHDE to the Commission in support of NutriJect as a quality company. Steve Hoambrecker stated that NutriJect having control of the land and proximity to the plant are advantages for NutriJect. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve bid to Dibben Land & Cattle Co. for 3 years at \$16,000 per year with the understanding that biosolids will not be applied to the land. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

## **NEW BUSINESS**

The consideration and approval of Ordinance **G-1082** updating City code regarding the Junction City/Geary County Animal Shelter. **(First Reading)**. Commissioner Johnson stated that it should be illegal to keep a dog on a chain in the City. Commissioner Heldstab stated that this is an example of government control which Commissioner Johnson is typically opposed. Commissioner Taylor asked if the Animal Shelter can microchip the animals they receive. Mrs. Alt stated that it would be cost prohibitive; the chip can be done for a charge. Commissioner Johnson asked if the shelter had any impact or control over the business across from Dillon's that sells animals in their parking lot. Mrs. Alt stated that there is none. Commissioner Taylor moved, seconded by Commissioner Johnson to approve G-1082 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval to acknowledge the immediate condemnation and the consideration and approval to Request Bids for the demolition of 316 W. 15<sup>th</sup> St. **Mark Karmann Presenting.** Mark Karmann stated that utilities would need to be removed from the property prior to demolition. Mark Karmann stated that the owners kept a large number of dogs in the home that ultimately had to be euthanized by the state for health reasons. Mark Karmann stated the property is no longer able to be lived in. Commissioner Johnson moved, seconded by Commissioner Talley to approve to Request Bids for the demolition of 316 W. 15<sup>th</sup> St and City Manager Vernon will determine the best bid provided it is under \$10,000.00. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance S-3086 a request to rezone the property at 416 West Spruce from "RD" Duplex Residential to "PDD" Planned Development District. **Dave Yearout Presenting (First Reading)**. Dave Yearout stated that zoning change will result in a positive addition to the community. Commissioner Taylor asked if parking is available. Dave Yearout stated that the project meets parking requirements. Commissioner Johnson stated that he thinks this looks like a good use for the property. Commissioner Johnson moved, seconded by Commissioner Talley to approve S-3086 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance S-3087 a request to rezone the property at the northwest corner of Webster St and Pine St. from "RG" General Residential to "RD" Duplex Residential. **David Yearout Presenting (First Reading)**. Commissioner Johnson stated that he understands the concerns of the home owners in the area regarding the building of duplexes. David Yearout stated that the correct tool to use in this situation is the PDD and not a straight rezone. David Yearout stated that a PDD would take more time since it will require another hearing. Larry Johnson stated that the project fits what is there now. He stated that six duplexes would not fit in the lot; the plan is two duplexes and four single family homes. Mayor Rhodes asked why there is objection to the PDD route. Larry Johnson stated that there is no need to give the government more control. Commissioner Johnson stated that the developers for this project could be trusted because they are known and local. Mayor Rhodes stated that treating people different in this way does not work; why open a can of worms. Commissioner Johnson stated that he would go by his gut feeling. Commissioner Heldstab stated that he is hesitant to reverse the recommendation of the MPC. David Yearout stated that the process for the PDD could not be sped up. Commissioner Talley moved, seconded by Commissioner Johnson to approve the rezoning of the East 4 lots to "RD" Duplex Residential. Ayes: Heldstab, Johnson, Talley, Taylor. Nays: Rhodes. Motion carried.

### **COMMISSIONER COMMENTS**

Commissioner Taylor thanked those who helped with the Barton Community College fundraiser; funds went to Wounded Warriors. He also thanked the Fire Department for helping with the installation of a child car seat.

Commissioner Johnson stated that he thinks requiring fences and pens instead of chains for dogs in City limits is a good idea.

Commissioner Heldstab stated that he intends to attend the AUSA conference in Washington DC, and is working with Military Affairs for funding.

### **STAFF COMMENTS**

City Manager Vernon stated that the City has split a table with Veolia for the Junction Function event and would like to know which Commissioners plan to attend.

### **EXECUTIVE SESSION**

## **ADJOURNMENT**

Commissioner Johnson moved, seconded by Commissioner Talley to adjourn at 9:15 PM  
Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 19th DAY OF OCTOBER 2010 AS THE OFFICIAL COPY OF  
THE JUNCTION CITY CITY COMMISSION MINUTES FOR OCTOBER 5, 2010.

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Tyler Ficken, City Clerk

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Mike Rhodes, Vice Mayor



4 1/2 Star Rated Golf Course

# Rolling Meadows Golf Course

## September, 2010 Report

Consistently Rated as One of the Top "Places to Play" in  
Kansas. -*Golf Digest*

[www.jcrollingmeadows.com](http://www.jcrollingmeadows.com)



### ROLLING MEADOWS GOLF COURSE

6514 Old Milford Rd  
Milford, KS  
66514

Phone: 785-238-4303  
Fax: 785-210-1980  
E-mail: [RollingMeadows@jcks.com](mailto:RollingMeadows@jcks.com)



# September 2010

## Monthly Maintenance Activities:



### **Equipment Maintenance and Repair:**

Wash and Service Equipment - Daily  
 Replaced Master Link - Slicer  
 Replaced Hydraulic Hose - JD 3225 Fairway Mower  
 Height of Cut (HOC) Adjustments - JD 7500 Fairway Mower  
 HOC Adjustment - JD 2500 Greens Mower  
 HOC Adjustment - JD 2500 Tee Box Mower  
 HOC Adjustment - JD 1600 Rough Mower  
 Irrigation Maintenance and Repair:  
 Pump Maintenance - Weekly  
 Repaired or replaced components in thirty-five (35) individual sprinklers

### **Scheduled Course Maintenance:**

Open and Clean on course restrooms, move tee markers, wash range balls and fill range machine - Daily  
 Empty trash - 5x week  
 Mow Rough and Greens - 5x week  
 Mow Fairways - 4x week  
 Mow Tee Boxes - 2x week  
 Mow Clubhouse area, Old Milford Road Easement, Driving Range Fairway - weekly  
 Change on course ball washers solution and change towels - weekly  
 Rake Bunkers - 2x week  
 Change Pin Placements - 5x week  
 Change Putting Green Pin Placements - weekly

### **Chemical Applications:**

Fertilized Greens, Tee Boxes and Fairways - 1x  
 Applied Fungicide and Insecticide - Greens - 1x

### **Additional Activities:**

Over seeded Greens, Tee Boxes and Fairways  
 Aerated selected Tee Boxes and Fairways  
 Removed fountains #1 and 2 ponds  
 Weed elated as needed

**Pro Shop:**

- Daily Play Operations/Procedures
- Handicap System Operations
- Daily/Weekly/Monthly Reports
- Inventory Report
- Merchandising
- Produced Weekly Food and Beverage Orders
- Annual Fees Update/Renewal Procedures
- Daily/Weekly Business Operations
- Website Marketing
- Maintain/Update Website -www.jcrollingmeadows.com
- Golf Course Staff/Department Meetings
- Brochures Printed
- Meeting w/ FootJoy Rep
- Scorecard Training - Fall Classic Golf Tournament
- Facility Pre-Inspection Safety Meeting

**Tournaments:**

Fall Classic - September 10th  
 IACH 4 Person Scramble - September 11th  
 Mid America Tire Dealers Association - September 26th

**Fee Structure:****Weekdays**

18 Hole Green Fee \$14.00  
 18 Hole Car Fee \$14.00 Per Person  
 9 Hole Green Fee \$8.00  
 9 Hole Car Fee 8.00 Per Person  
 Juniors (14 and under) \$5.50

**Specials:**

Twilight \*Starting Time 2 pm All Year Long  
 Weekday 18 Hole Green Fee \$10.00  
 Weekday 18 Hole Green Fee w/ Car \$18.00

**Weekends**

18 Hole Green Fee \$21.00  
 18 Hole Car Fee \$14.00 Per Person  
 9 Hole Green Fee \$11.00  
 9 Hole Car Fee \$7.50 Per Person  
 Juniors (14 and under) \$7.50

**Specials:**

Twilight \*Starting Time 2 pm All Year Long  
 Weekend 18 Hole Green Fee \$16.00  
 Weekend 18 Hole Green Fee w/ Car \$23.00

**Annual Fees:**

Single	\$450.00
Family	\$650.00
Junior (Ages 18 and Under)	\$150.00
Senior (Ages 65 and Older)	\$400.00
College (Ages 18-23)	\$200.00

Electric Car Storage (Annual Trail Fee Included):	\$430.00
Gas Car Storage (Annual Trail Fee Included):	\$380.00
Annual Trail Fee:	\$150.00

**September 2010 Revenues:**

Category	GL Account #	Total
<b>Green Fee Revenue</b>	17435000372	\$ 12,694.50
<b>Gift Cert. Net</b>	n/a	\$ 419.25
<b>Range Fee</b>	17435000378	\$ 726.03
<b>Rental Fee</b>	17435000375	\$ 115.05
<b>Food</b>	17435000384	\$ 1,593.59
<b>Vending</b>	17435000385	\$ 2,043.01
<b>Annual Green Fees</b>	17435000371	\$ 650.00
<b>Trail Fee</b>	17435000373	\$ 64.00
<b>Beer</b>	17435000381	\$ 3,668.05
<b>Tournament Rounds Revenue</b>	17435000370	\$ 5,541.00
<b>Tournament Flighting Fee</b>	n/a	\$ 0
<b>Merchandise</b>	17435000376	\$ 4,252.28
<b>Cart Storage</b>	17435000373	\$ 860.00
<b>Cart Fees (Rev)</b>	17435000374	\$ 10,617.01
<b>Monthly Fees</b>	17435000369	\$ 1,129.19
<b>Lessons</b>	17435000368	\$ 0
<b>Shop Credits Net</b>	n/a	\$ 5.79
<b>Total Revenues (After Taxes)</b>	n/a	\$ 44,378.75
<b>Reserve Fund</b>	1600000421	\$ 1,110.00
<b>Total After Reserve Fund and Taxes</b>		\$ 43,268.75

10-11-2010 8:35 AM SUMMARY DETAIL LISTING PAGE: 1  
 FUND : 17 -ROLLING MEADOWS GOLF FUND PERIOD TO USE: Sep-2010 THRU Sep-2010  
 DEPT : 32 GOLF COURSE ACCOUNTS: 5-32-00-0510 THRU 5-32-00-0955  
 =====AMOUNT===== BALANCE=====

5-32-00-0510 OVERTIME SALARY & WAGES  
 BEGINNING BALANCE 2,230.54  
 ===== SEPTEMBER ACTIVITY DB: 243.98 CR: 0.00 243.98

5-32-00-0515 PARTTIME SALARY & WAGES  
 BEGINNING BALANCE 28,223.23  
 ===== SEPTEMBER ACTIVITY DB: 3,567.95 CR: 0.00 3,567.95

5-32-00-0520 REGULAR TIME SALARY & WAGES  
 BEGINNING BALANCE 137,615.71  
 ===== SEPTEMBER ACTIVITY DB: 16,768.23 CR: 0.00 16,768.23

5-32-00-0535 CITY CONTRIBUTION MEDICAL  
 BEGINNING BALANCE 0.00

5-32-00-0537 CITY CONTRIBUTION DENTAL  
 BEGINNING BALANCE 0.00

5-32-00-0539 LIFE / SHORT TERM DISABILITY  
 BEGINNING BALANCE 0.00

5-32-00-0545 SOCIAL SECURITY  
 BEGINNING BALANCE 0.00

5-32-00-0547 MEDICARE  
 BEGINNING BALANCE 0.00

5-32-00-0550 KPERS  
 BEGINNING BALANCE 0.00

5-32-00-0603 BUILDING MAINT. SUPPLIES

10-11-2010 8:35 AM SUMMARY DETAIL LISTING PAGE: 2  
 FUND : 17 -ROLLING MEADOWS GOLF FUND PERIOD TO USE: Sep-2010 THRU Sep-2010  
 DEPT : 32 GOLF COURSE ACCOUNTS: 5-32-00-0510 THRU 5-32-00-0955  
 =====AMOUNT=====

BEGINNING BALANCE 2,183.07

===== SEPTEMBER ACTIVITY DB: 243.95 CR: 0.00 243.95

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5-32-00-0610 CHEMICALS  
 BEGINNING BALANCE 18,457.88

===== SEPTEMBER ACTIVITY DB: 470.00 CR: 0.00 470.00

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5-32-00-0612 FERTILIZER  
 BEGINNING BALANCE 3,364.50

===== SEPTEMBER ACTIVITY DB: 721.57 CR: 0.00 721.57

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5-32-00-0614 LANDSCAPING SUPPLIES AND PLANT  
 BEGINNING BALANCE 1,079.18

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5-32-00-0632 STREET MAINTENANCE MATERIALS  
 BEGINNING BALANCE 56.18

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5-32-00-0646 OTHER OPERATIONS AND SERVICES  
 BEGINNING BALANCE 4,523.78

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5-32-00-0647 DIESEL FUEL  
 BEGINNING BALANCE 3,478.95

===== SEPTEMBER ACTIVITY DB: 1,101.55 CR: 0.00 1,101.55

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5-32-00-0648 MOTOR FUEL  
 BEGINNING BALANCE 3,659.23

===== SEPTEMBER ACTIVITY DB: 1,126.06 CR: 0.00 1,126.06

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5-32-00-0651 PARTS FOR VEHICLE AND EQUIPMEN

10-11-2010 8:35 AM SUMMARY DETAIL LISTING PAGE: 3  
 FUND : 17 -ROLLING MEADOWS GOLF FUND PERIOD TO USE: Sep-2010 THRU Sep-2010  
 DEPT : 32 GOLF COURSE ACCOUNTS: 5-32-00-0510 THRU 5-32-00-0955  
 =====AMOUNT=====BALANCE=====

BEGINNING BALANCE 0.00

5-32-00-0652 TOOLS  
 BEGINNING BALANCE 308.13

5-32-00-0653 PAINT  
 BEGINNING BALANCE 0.00

5-32-00-0666 SUBSCRIPTIONS, BOOKS, TAPES  
 BEGINNING BALANCE 0.00

5-32-00-0667 OFFICE SUPPLIES  
 BEGINNING BALANCE 772.41

5-32-00-0668 POSTAGE AND DELIVERY  
 BEGINNING BALANCE 177.46

===== SEPTEMBER ACTIVITY DB: 2.20 CR: 0.00 2.20

5-32-00-0670 MISC. AND SAFETY SUPPLIES  
 BEGINNING BALANCE 6.73

5-32-00-0671 GOLF SUPPLIES  
 BEGINNING BALANCE 6,917.08

===== SEPTEMBER ACTIVITY DB: 404.38 CR: 0.00 404.38

5-32-00-0673 FOOD SUPPLIES  
 BEGINNING BALANCE 7,855.89

===== SEPTEMBER ACTIVITY DB: 1,078.07 CR: 0.00 1,078.07

5-32-00-0674 VENDING  
 BEGINNING BALANCE 9,271.93

===== SEPTEMBER ACTIVITY DB: 1,397.58 CR: 0.00 1,397.58

10-11-2010 8:35 AM SUMMARY DETAIL LISTING PAGE: 4  
 FUND : 17 -ROLLING MEADOWS GOLF FUND PERIOD TO USE: Sep-2010 THRU Sep-2010  
 DEPT : 32 GOLF COURSE ACCOUNTS: 5-32-00-0510 THRU 5-32-00-0955  
 =====AMOUNT=====

---

5-32-00-0675 SUNDRIES/BEER PURCHASES  
 BEGINNING BALANCE 10,062.78

===== SEPTEMBER ACTIVITY DB: 2,633.58 CR: 0.00 2,633.58

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5-32-00-0677 MERCHANDISE FOR RESALE  
 BEGINNING BALANCE 15,411.11

===== SEPTEMBER ACTIVITY DB: 3,527.78 CR: 0.00 3,527.78

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5-32-00-0678 KITCHEN SUPPLIES  
 BEGINNING BALANCE 233.84

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5-32-00-0680 IRRIGATION REPAIRS  
 BEGINNING BALANCE 3,550.24

===== SEPTEMBER ACTIVITY DB: 1.95 CR: 0.00 1.95

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5-32-00-0682 UNIFORMS  
 BEGINNING BALANCE 0.00

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5-32-00-0703 ADVERTISEMENTS & PRINTING  
 BEGINNING BALANCE 291.42

===== SEPTEMBER ACTIVITY DB: 1,025.00 CR: 0.00 1,025.00

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5-32-00-0715 BUILDING MAINT. & REPAIR  
 BEGINNING BALANCE 5,422.46

===== SEPTEMBER ACTIVITY DB: 236.93 CR: 0.00 236.93

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5-32-00-0735 TELEPHONE/INTERNET  
 BEGINNING BALANCE 2,498.99

===== SEPTEMBER ACTIVITY DB: 577.56 CR: 0.00 577.56



10-11-2010 8:35 AM SUMMARY DETAIL LISTING PAGE: 5  
 FUND : 17 -ROLLING MEADOWS GOLF FUND PERIOD TO USE: Sep-2010 THRU Sep-2010  
 DEPT : 32 GOLF COURSE ACCOUNTS: 5-32-00-0510 THRU 5-32-00-0955  
 =====AMOUNT=====

5-32-00-0736	ELECTRIC, GAS & POWER BEGINNING BALANCE	2,047.39
5-32-00-0738	INSURANCE BONDS BEGINNING BALANCE	0.00
5-32-00-0745	MAINT & REPAIR GOLF CARTS BEGINNING BALANCE	1,019.50
===== SEPTEMBER ACTIVITY DB: 464.83 CR: 0.00 464.83		
5-32-00-0746	MAINT & REPAIR VEHICLES BEGINNING BALANCE	0.00
5-32-00-0747	MAINT & REPAIR EQUIPMENT BEGINNING BALANCE	4,768.73
===== SEPTEMBER ACTIVITY DB: 192.98 CR: 0.00 192.98		
5-32-00-0749	OTHER SERVICES BEGINNING BALANCE	7,241.01
5-32-00-0753	EQUIPMENT, RENT, LEASE BEGINNING BALANCE	19,186.41
===== SEPTEMBER ACTIVITY DB: 203.40 CR: 0.00 203.40		
5-32-00-0765	TRAVEL & TRAINING EXPENSE BEGINNING BALANCE	4.30
5-32-00-0768	DUES BEGINNING BALANCE	1,501.00
===== SEPTEMBER ACTIVITY DB: 35.00 CR: 0.00 35.00		

10-11-2010 8:35 AM

### SUMMARY DETAIL LISTING

PAGE: 6

FUND : 17 -ROLLING MEADOWS GOLF FUND

PERIOD TO USE: Sep-2010 THRU Sep-

2010

DEPT : 32 GOLF COURSE

ACCOUNTS: 5-32-00-0510 THRU 5-32-00-0955

=====AMOUNT=====
=====BALANCE=====

5-32-00-0776	SALES USE TAX BEGINNING BALANCE	0.00
5-32-00-0803	BUILDING AND STRUCTURE BEGINNING BALANCE	565.96
5-32-00-0835	MISC. EQUIPMENT BEGINNING BALANCE	0.00
5-32-00-0849	GOLF CARTS BEGINNING BALANCE	0.00
5-32-00-0885	LEASE PURCHASE BEGINNING BALANCE	20,691.90
5-32-00-0955	INTEREST EXPENSE BEGINNING BALANCE	0.00

\* \* \* \* \*

000 ERRORS IN THIS REPORT!

\*\_\*\_\*\_\*\_\*\_\*\_\*\_\*\_\*\_\*\_\*\_\*\_\*\_\*\_\*\_\*

** REPORT TOTALS **	--- DEBITS ---	--- CREDITS ---
BEGINNING BALANCES:	324,678.92	0.00
REPORTED ACTIVITY:	36,024.53	0.00
ENDING BALANCES:	360,703.45	0.00

Community Involvement  
Unit  
Monthly Report  
September '10

September 3	JCHS Football
September 6	Holiday
September 9	Presentation Geary County landlords Association
September 10	Furlough Day 3 Officers
September 13	Furlough 1 Officer
September 17	JCHS Football/Furlough 3 Officers
September 18	Touch-a-Truck
September 21	Reserve Training
September 30	Homecoming Parade

*Community Involvement*  
*Unit*  
*Monthly Report*  
*September '10*

Officer Bobby Whitten:

Year to Date:

Cases:	7	51
Tickets:	0	3
Arrests:	1	6
Student Contacts:	37	2257
Parent Contacts:	17	107
Admin./Teacher Contacts:	5	115
Students Taught	234	234

Officer Mike Jefferson:

Cases:	2	13
Tickets:	1	2
Arrests:	0	2
Student Contacts:	11	89
Parent Contacts:	3	47
Admin./Teacher Contacts:	5	55

Officer Eddie Torres:

Cases:	14	138
Tickets:	6	40
Arrests:	3	19
Student Contacts:	41	441
Parent Contacts:	8	134
Admin./Teacher Contacts:	0	0
Presentations	0	6

Officer David Egar:

Cases:	0	0
Tickets:	1	15
Arrests:	0	5
Transports:	1	1

	Attempted:	Served:
Warrants:	34	10
Papers:	40	10

# Code Enforcement



## "Fight the Blight '10"

### September Activity

Code Enforcement

#### September 1-3

Issued 10 blight and 7 tall vegetation violations and 6 citations. Mowed 12 tall vegetation violations.

#### September 6-10

Issued 9 blight and 2 tall vegetation violations and 1 citation. Mowed 6 tall vegetation violations.

#### September 13-17

Issued 9 blight and 2 tall vegetation violations. Mowed 28 tall vegetation violations and tagged 2 abandoned vehicles. Did 3 clean-ups

#### September 20-24

Issued 20 blight and 10 tall vegetation violation and 2 citations. Mowed 12 tall vegetation violations. Did three clean ups.

#### September 27-30

Issued 3 blight and 1 tall vegetation violation. Towed 1 vehicle and did 1 clean-up.

Clean up month total    Blight month total

7                              51

Year to Date clean up

39

Vehicles towed

1

Total Vehicles towed

6

Personal Contacts

9

Door Hangers

6

Additional Cases

7

Citations

0

Arrests

2

Monthly tall grass

22

Year to date tall grass total

369

Total Grass Cuttings

209

Blight Citations

9

Yr. to Date

12

Patrol

2 Days

Bailiff

3 Days

*Animal Control*  
*September 2010*

CASES:

Dispatched: 139

Self Initiated: 22

TOTAL 161

Citations: 0

Contacts:

Personal Contacts: 100

Door Hangers: 35

Animals Captures:

Dogs: 48

Cats: 28

Ducks: 0

Raccoons: 7

Bats: 29

Snakes: 1

Opossums: 7

10-40 Animals: 65

JUNCTION CITY POLICE DEPARTMENT

FINANCIAL REPORT FOR: SEPTEMBER, 2010

YEAR TO DATE \$ 3332.50

COPIES.....\$ 341.00  
01-4-01-00-0356

TAXI LICENSE.....\$ 13.50  
01-4-01-00-0334

MISC..... (FP/NOISE)..... \$ 125.00  
01-4-01-00-0421

DISCOVERY/DISK REVENUE.....\$ 102.00  
01-4-01-000-421

MONTHLY TOTAL.....\$ 581.50

YEAR TO DATE TOTAL.....\$ 3914.00

# JUNCTION CITY

## Calls - By Type

09/01/2010 thru 09/30/2010

Agency is: JCPD

Type	Description	# Of Calls
22	911 HANG UP	10
6	ACCIDENT	116
88	AMBULANCE RUN	15
78	ANIMAL BITE	1
46	ANIMAL COMPLAINT	173
107	ANIMAL RUNNING AT LARGE	7
1	ASSAULT	3
50	ASSIST OUTSIDE AGENCY	11
113	ATTEMPT TO LOCATE ADULT	1
116	ATTEMPT TO LOCATE JUVENILE	15
28	BATTERY	17
3	BURGLARY	33
79	BURGLARY ALARM	70
62	CHECK WELFARE	48
42	CHILD ABUSE	2
40	CHILD IN NEED OF CARE	2
63	CITIZEN ASSIST	15
110	CITY ORDINANCE VIOLATION	5
103	CIVIL MATTER	7
37	DAMAGE TO PROPERTY	32
82	DEATH INVESTIGATION	3
58	DELIVER MESSAGE	6
71	DISORDERLY CONDUCT	8
68	DISTURBANCE	82
65	DOMESTIC	71
72	DUI	11
87	FIRE CALL	11
67	FIREWORK COMPLAINT	2
32	FORGERY	4
57	FOUND CHILD	4
99	FRAUD	3
117	HOUSECHECK	7
115	IDENTITY THEFT	3
55	INFORMATION	302
101	INTERFERENCE WITH PARENTAL CUSTODY	1
56	JUVENILE COMPLAINT	52
85	LICENSES	5
102	LIQUOR VIOLATION	1
81	LOST & FOUND PROPERTY	23
92	MINOR IN POSSESSION OF TOBACCO	3
48	MISSING PERSON	1
31	MOTOR VEHICLE THEFT	2
34	NARCOTICS	18
49	NOISE COMPLAINT	60
70	OBSTRUCTION	1
59	OPEN DOOR/WINDOW	14
112	PUBLIC INTOXICATION	1
89	PUBLIC NUISANCE	56
24	RAPE	1
69	REMOVE SUBJECT	28



Type	Description	# Of Calls
27	ROBBERY	2
114	RUNAWAY	2
64	SHOTS FIRED	5
187	SOLICITING	7
29	STALKING	3
61	STANDBY	24
120	SUICIDAL SUBJECT	7
73	SUSPICION	63
90	TALL GRASS/VEGETATION	26
95	TELEPHONE HARASSMENT	3
4	THEFT	63
75	THREATS	15
47	TRAFFIC HAZARD	13
11	TRAFFIC STOP	673
51	TRANSIENT ASSISTANCE	22
76	TRESPASSING	5
97	UNLAWFUL USE OF A FINANCIAL CARD	4
60	VEHICLE COMPLAINT	172
94	VIOLATION OF PFA/NO CONTACT ORDER	8
188	WARRANT ARREST	40
96	WEAPONS VIOLATION	1
<b>Total</b>		<b>2,525</b>

DOG Activities for September 2010

[illegible]

**JUNCTION CITY FIRE DEPARTMENT MONTHLY REPORT****SEPTEMBER 2010**

303

<b>Situations:</b>	<b>Count</b>
Fire/Explosion	8
Overpressure Rupture	0
Rescue Call	83
Hazardous Conditions	8
Service Call	5
Good Intent Call	10
False Call	10
Other Situation	0
<b>TOTAL for the Month</b>	<b>124</b>

<b>Values:</b>	<b>Values</b>
Total property values involved	\$121,500
Total losses	\$46,000
Total amount saved	\$75,500

<b>Staff Hours:</b>	<b>Hours</b>
Staff hours involved in situations	256.63

<b>Vehicles:</b>	<b>Hours</b>	<b>Responses</b>
520 (car)	0.28	1
521 (pickup)	0.47	1
522 (1 ton pickup)	8.64	23
E10 (Engine 10)	2.02	3
E20 (Engine 20)	21.9	58
E30 (Engine 30)	19.96	61
L1 (Ladder 1)	1.88	4
S1 (Squad 1)	0.28	1
H1 (Hazmat Trailer)	0	0

<b>Responses by District:</b>	<b>City</b>	<b>County</b>
	110	14

<b>Fire Prevention Inspections:</b>	65
-------------------------------------	----

<b>Injuries/Deaths:</b>	<b>Injuries</b>	<b>Deaths</b>
Civilian	0	0
Fire	0	0

<b>YEAR TO DATE TOTALS:</b>	<b>TOTALS</b>
<b>Injuries/Deaths:</b>	
Civilian - Injuries	6
Civilian - Deaths	2
Fire - Injuries	1
Fire - Deaths	0
<b>Fire Prevention Inspections:</b>	526
<b>Fire Responses:</b>	1250

**JUNCTION CITY FIRE DEPARTMENT EMS MONTHLY REPORT**

SEPTEMBER 2010

Monthly:	Count
Out of Town Transfers	14
In Town Transfers	2
Runs per district -	
010 Northwest area	28
020 Southwest area	61
030 Southeast area	30
040 Northeast area	34
050 Geary County	40
999 Out of County	0
Runs to GSO	1
Stand by (Fire, Law Enforcement, Sporting Events)	12
Non-Transports	78
Total Incidents	193
Medical Responses	98
Trauma Responses	71
Transports to Geary Community Hospital	82
Transports to Irwin Army Community Hospital	8
Transports from scene to Out of County Facility	1
Vehicle Responses -	
Medic 1	48
Medic 2	16
Medic 3	102
Medic 4	19
Overtime hours for EMS Personnel	38
Charges for Ambulance Runs (sent to Omni Billing)	\$92,676.00
Collections for Ambulance Runs	\$41,119.94
Receipts from Medicare	\$13,079.66
Receipts from Medicaid	\$2,021.50
Receipts from Commercial Insurance	\$19,343.07

3c4

YEAR TO DATE TOTALS:	TOTALS
Ambulance Incidents	1966
Overtime Hours for EMS Personnel	603.50
Charges for Ambulance Runs	\$827,895.00
Collections for Ambulance Runs this year	\$417,137.56
Adjustments (Insurance write-offs)	\$247,555.06
Adjustments (bad debt write-offs)	\$130,260.19

# City of Junction City

## City Commission

### Agenda Memo

October 19, 2010

**From:** Public Works Department  
**To:** Gerry Vernon, City Manager & the City Commissioners  
**Subject:** **Water Supply Well No. 18 – Clarke Well & Equipment, Inc. PE #3**

---

**Objective:** The consideration and approval of Pay Estimate #3 in the amount of \$57,427.17 to Clarke Well & Equipment, Inc. for construction of Water Supply Well No. 18. This project is 89.15% complete as of this Pay Estimate.

**Explanation of Issue:** On May 5, 2009 the City Commissioners approved an ARRA loan in the amount of \$800,000.00 to install well #18 and replace the most important well field piping. On August 18, 2009 Resolution 2564 was approved authorizing and approving certain improvements to the City's Public Water Supply System. Resolution 2593 was approved February 16, 2010 to complete a loan to KDHE in the amount of \$1,796,491.00. January 15, 2010 notice of award was approved to Clarke Well & Equipment, Inc. in the amount of \$312,000.00 to construct Water Supply Well No. 18. Construction began May 3, 2010. Clarke Well & Equipment, Inc. is requesting approval for Pay Estimate #3 in the amount of \$57,427.17.

**Budget Impact:** This project is being funded by ARRA funds in the amount of \$800,000.00 and a loan in the amount of \$1,796,491.00. All City funds will be paid from the Water and Sewer Fund.

**Alternatives:** It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

1. Approve Pay Estimate #3 in the amount of \$57,427.17 to Clarke Well & Equipment, inc. for construction of Water Well No. 18.
2. Disapprove Pay Estimate #3.
3. Modify Pay Estimate #3.
4. Table the request.

**Recommendation:** Staff recommends the Commission approve Pay Estimate #3 in the amount of \$57,427.17.

**Enclosures:** Invoice No. 15458, Request for Payment Memorandum

Clarke Well & Equipment, Inc.  
 Airport Industrial Complex  
 8822 3rd Street  
 Great Bend, KS 67530  
 Phone (620) 793-8493 Fax (620) 793-8340

City of Junction City

CWE Invoice No. 15458

Pay Estimate No. 3

Date: 9/27/2010

Bill To: City of Junction City

Attn: Mike Guinn

700 Jefferson

P.O. Box 287

Junction City, KS 66441

CWE Job No. 10132

Project Name: Construction of Water Supply Well No. 18

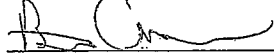
Project No. KPWSLF No. 2494, Burns & McDonnell No. 44833

	Item	UOM	Bid Quantity	Unit Price	Bid Total	Units Complete	Unit Extensions	Percent Complete
1	Drill and Construct Water Supply Well No. 18 and	Lump Sum	1	\$312,100.00	\$312,100.00	0.8915099	\$278,240.25	89.15%
2	abandon existing Well No. 10							
3								
4								
5								
6								
7								
8								
9								
10								
Materials on Hand								

**Recommended for Payment**

Engineer - Project Inspector

Submitted



Clarke Well & Equipment, Inc.

Approved

City Representative

Original Contract Amount	312,100.00
Change Orders	
New Contract Total	312,100.00
Total Value of Construction This Date	278,240.25
Less Percent Retained by Owner - 10%	-27,824.03
Less Previous Payments	-192,989.06
Amount Due This Date	57,427.17

**Schedule of Values**

	UOM	Quantity	Unit Price	Extension
Test Hole & Design	Lump Sum	1	3,116.77	3,116.77
Production Well	Lump Sum	1	53,691.67	53,691.67
Development & Test Pump	Lump Sum	1	13,649.18	13,649.18
Elevated Pump Structure	Lump Sum	1	24,404.35	24,404.35
Pump	Lump Sum	0.788048	34,389.54	27,100.60
Well Vault	Lump Sum	1	31,039.55	31,039.55
Vault Piping	Lump Sum	1	16,386.33	16,386.33
Paint	Lump Sum	1	11,285.55	11,285.55
Piping	Lump Sum	1	20,040.97	20,040.97
Abandon Well No. 10	Lump Sum	1	7,798.97	7,798.97
Electrical, Telemetry	Lump Sum	0.85	82,030.95	69,726.31
Completion, Startup, Warranty, Misc.	Lump Sum	0	14,266.17	0.00
			Total	278,240.25

# REQUEST FOR PAYMENT MEMORANDUM

DATE:	10/19/2010	PROJECT	WATER SUPPLY WELL NO 18	
TO:	CITY MANAGER / CITY COMMISSION	PROJECT NO.	44833 / KPWSLF 2494	
FROM:	PUBLIC WORKS DEPARTMENT	CONTRACTOR	CLARKE WELL & EQUIPMENT, INC.	
		RE:	REQUEST FOR PAYMENT #3	\$ 57,427.17
		CONTRACT PRICE	\$	309,605.00

THIS BILLING HAS BEEN REVIEWED AND APPROVED.

PLEASE REVIEW AND APPROVE.

PAYMENT HISTORY		DATE	INVOICE#	DATED	PAID	CHECK	AMOUNT DUE	OTHER	BALANCE
Work completed through	1	06/15/10	15275	06/15/10			\$ 72,515.15		\$ 237,089.85
Work completed through	2	08/14/10	15376	08/14/10			\$ 120,473.91		\$ 116,615.94
Work completed through	3	09/27/10	15458	09/27/10			\$ 57,427.17		\$ 59,188.77
	4								
	5								
	6								
	7								
	8								
	9								
	10								
	11								
	12								
	13								
	14								
	15								
	16								
	17								
	18								
	19								
	20								
	21								
	22								
	23								
	24								
		TOTAL BILLINGS YEAR-TO-DATE:			\$		250,416.23	\$	250,416.23

5a

## **City of Junction City**

### **City Commission**

### **Agenda Memo**

October 19, 2010

**From:** Officer Jay Wigton, Blight Officer  
**To:** Mr. Gerry Vernon, City Manager  
**Subject:** **Yard of the Year Winner**

---

**Objective:** Officer Wigton will present certificate/award to the Yard of the Year winner.

**Explanation of Issue**

**Alternatives:**

**Recommendation:**

**Enclosures:**



7a

**City of Junction City  
City Commission  
Agenda Memo**

**Date: September 28, 2010**

**From:** V. Linnea Alt, Animal Shelter Board Member  
**To:** City Commission of Junction City  
**Subject:** Modification of City Ordinances Pertaining to Animals/Pets  
Ordinance G-1082

---

**Objective:** Obtain modification of outdated city ordinances pertaining to the Junction City/Geary Geary County Animal Shelter.

**Explanation of Issues:** The current ordinances listed in Chapter 215 of the Code of the City of Junction City needs to be updated to reflect the amended name of the shelter, increase licensing fees, amend the quarantine provision, provide for the current handling of the animal shelter by the Animal Shelter director, etc.

**Budget Impact:** There is no negative impact to the city budget. The licensing fees for the dog/cats in the city limits will increase for unaltered animals and the fees collected by the shelter for impounded animals and quarantined animals will increase.

**Alternatives:** It appears that the City Commission has the following alternatives concerning the issues at hand:

1. Approve ordinance modifications as proposed in the enclosed documents.
2. Disapprove ordinance modifications.
3. Modify the proposed ordinance modifications.
4. Table the request.

**Suggested Motion:**

Commissioner \_\_\_\_\_ moved that the ordinance modifications to Chapter 215 of the Code of the City of Junction City be approved on first reading.

Commissioner \_\_\_\_\_ seconded the motion.

**Recommendation:** The Junction City/Geary County Animal Shelter Board recommends the approval of the changes as set forth in the enclosures.

**Enclosures:** Proposed ordinance Modifications(as previously submitted to the board with omission of the dangerous dog language as previously proposed).

ORDINANCE G-1082

AN ORDINANCE AMENDING SECTION 215.050, TITLED "LICENSING," SECTION 215.060, TITLED "IMPOUNDMENT PROCEDURE," AND SECTION 215.070, TITLED "PROCEDURE ON DISEASED OR SUSPECT ANIMALS"

WHEREAS, the City Commission finds it is in the public interest to amend these sections of City Code to provide for licensing, impoundment, and for the control of diseased or suspect animals, to delineate the offense of keeping or harboring an animal that unlawfully bites a non-family member, and to designate the facility as the Junction City/Geary County, Animal Shelter.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS.

SECTION 1. Section 215.050 is hereby amended to read as follows:

**SECTION 215.050: LICENSING**

- A. No person shall own, keep or harbor an animal over the age of five (5) months within the City limits unless the animal has been vaccinated by a licensed veterinarian with an anti-rabies vaccine and licensed by the City of Junction City.
- B. The animal license tags shall be issued upon payment of the license fee and presentation of a certificate of vaccination current within three (3) months of the date of application. The license shall be valid for one calendar year from date of vaccination and cannot be transferred.
- C. Applications for animal licenses shall be made upon a printed application form provided by the Junction City/Geary County Animal Shelter and shall state the name and address of the owner, harborer or keeper of said animal, and the name, breed, color, age and sex of the animal.
- D. Animal license tags shall be issued by the Junction City/Geary County Animal Shelter and/or licensed veterinarians.
- E. The license fee for a dog or cat license shall be five dollars (\$5.00) for a neutered dog or cat, and twenty-five dollars (\$25.00) for an intact male or female dog or cat. Said license fee shall be paid to the Junction City/Geary County Animal Shelter. The veterinarian issuing said license shall receive a fee of two dollars (\$2.00) for each license issued.
- F. Every person who owns, harbors, keeps or is in charge or in control of a dog or cat within the City limits shall provide and place on such animal a collar or harness which shall be worn

- C. Sick or injured animals found or picked up by the Animal Control Officer will be evaluated and/or treated by a licensed veterinarian, who shall be designated by the Junction City/Geary County Animal Shelter Director. Further, the Junction City/Geary County Animal Shelter Director will arrange for a veterinarian to provide responsive treatment for animals maintained at the Junction City/Geary County Animal Shelter during the three (3) business day holding period that become ill or show symptoms of injury. The Junction City/Geary County Animal Shelter Director is hereby authorized to pay for all services rendered by veterinarians under this Section.
- D. Attending veterinarians shall have the authority to humanely destroy any animal evaluated and/or treated under this Section of the Code that has a contagious disease or injury where such humane disposition is in the attending veterinarian's opinion the appropriate veterinary medical action.
- E. The owner of a sick or injured animal taken to a veterinarian by the Animal Control Officer is responsible for the payment of charges for veterinarian services related thereto. The owner shall reimburse the City of Junction City for all expenditures the City is required to pay for veterinary services rendered to the owner's animal under this Section.
- (Ord. No. G-866 §§1-2, 5-6-97)

**SECTION 4.** All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

**SECTION 5.** This Ordinance shall be effective upon its publication once in the *Junction City Daily Union*.

**Passed and Adopted by the Governing Body of the City of Junction City, Kansas,**  
this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Tyler Ficken  
City Clerk

7b

# City of Junction City

## City Commission

### Agenda Memo

October 12, 2010

**From:** David L. Yearout, AICP, Director of Planning and Zoning

**To:** City Commission & Gerry Vernon, City Manager

**Subject:** Case No. Z-06-01-10 – Rezoning of property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District for a mixed-use facility. (S-3086)

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**Issue:** Consideration of request to rezone the property at 416 West Spruce Street from “RD” Duplex Residential to “PDD” Planned Development District, filed by Kaw Valley Engineering, agent, on behalf of Hoover, Bachman & Associates, owner.

**Explanation of Issue:** The Metropolitan Planning Commission held public hearings on July 8, 2010, and August 19, 2010, to consider the petition of Kaw Valley Engineering, agent, on behalf of Hoover, Bachman & Associates, owner, to rezone the property at 416 Spruce Street from “RD” Duplex Residential to “PDD” Planned Development District. The purpose of the rezoning is to allow the redevelopment of the property into a mixed use facility and to separate the single-family home facing Walnut from the balance of the property. This is the former Good Samaritan Center. By unanimous vote, the MPC has recommended the rezoning be granted, subject to the conditions listed in the staff report and subject to the approval of the replat for the property.

**Alternatives:** In accordance with K.S.A. 12-757, the City Commission has the following alternatives for a rezoning application on first appearance:

1. To accept the recommendation of the MPC and approve the Ordinance, thereby rezoning the property.
2. Modify the recommendation of the Planning Commission by a 2/3 majority vote and approve the Ordinance as so modified, thereby rezoning the property subject to said changes.
3. Return the recommendation to the Planning Commission for further consideration, specifying the items, concerns or issues with said recommendation.
4. Disapprove the recommendation of the Planning Commission by a 2/3 majority vote and not rezone the property.

**Staff Recommendation:** Accept the recommendation of the MPC and approve the Ordinance, thereby rezoning the property.

**Suggested Motion:**

Commissioner \_\_\_\_\_ moved that the recommendation of the Planning Commission be accepted and that Ordinance No. S-3086, an ordinance rezoning property at 416 Spruce Street and more particularly described as the proposed plat of the Ziegler Addition to the City of Junction City, Geary County, Kansas, from "RD" Duplex Residential to "PDD" Planned Development District be approved on final reading.

Commissioner \_\_\_\_\_ seconded the motion.

**Enclosures:**

MPC Minutes of July 8, 2010, and August 19, 2010  
Staff Reports  
Ordinance S-3086

ORDINANCE NO. S-3086

AN ORDINANCE RELATING TO PROPERTY LOCATED AT 416 WEST SPRUCE STREET AND MORE PARTICULARLY DESCRIBED AS ALL OF LOTS FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), AND SEVENTEEN (17); THE WEST ONE-THIRD (1/3) AND THE WEST TEN (10) FEET OF THE EAST TWO-THIRDS (2/3) OF LOTS ONE (1), TWO (2) AND THREE (3); AND ALL OF THE VACATED ALLEY ADJACENT TO LOTS FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), AND SEVENTEEN (17), BLOCK SEVEN (7), SANDERSONS ADDITION TO JUNCTION CITY, KANSAS, REZONING SAID PROPERTY FROM DUPLEX RESIDENTIAL (RD) DISTRICT TO PLANNED DEVELOPMENT DISTRICT (PDD), ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

WHEREAS, application has been made by the owner, through the contract buyer, to rezone certain property within the City of Junction City, Kansas; and,

WHEREAS, proper notice has been given by publication of legal notice and by mailed notice to surrounding property owner in conformance with K.S.A. 12-757; and,

WHEREAS, the Junction City/Geary County Metropolitan Planning Commission held a public hearing on the application and, by a majority vote of members present, recommended the property in question be rezoned;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. That the property, situated at 416 West Spruce Street within the City of Junction City, Geary County, Kansas, and described as follows:

**DESCRIPTION:**

ALL OF LOTS FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), AND SEVENTEEN (17); THE WEST ONE-THIRD (1/3) AND THE WEST TEN (10) FEET OF THE EAST TWO-THIRDS (2/3) OF LOTS ONE (1), TWO (2) AND THREE (3); AND ALL OF THE VACATED ALLEY ADJACENT TO LOTS FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), AND SEVENTEEN (17), BLOCK SEVEN (7), SANDERSONS ADDITION TO JUNCTION CITY, KANSAS.

be, and the same is, hereby ordered rezoned from its present classification of Duplex Residential (RD) to Planned Development District (PDD) as provided in K.S.A. 12-757.

Section 2. The Zoning Administrator of the City of Junction City, Kansas is hereby ordered and directed to cause said designation to be made on the Official Zoning Map of said City in his custody and to show the property herein described to be zoned as Planned Development District (PDD).

Section 3. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

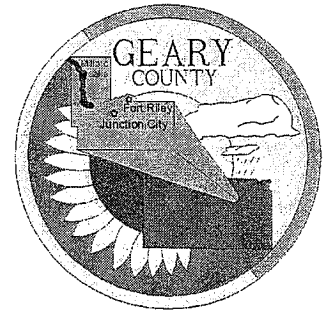
\_\_\_\_\_  
MICHAEL RHODES, MAYOR

ATTEST:

\_\_\_\_\_  
TYLER FICKEN, CITY CLERK



**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**



**STAFF REPORT**

July 6, 2010

**TO:** Metropolitan Planning Commission / Board of Zoning Appeals

**FM:** David L. Yearout, AICP, Director of Planning and Zoning

**SUBJECT:** Z-07-01-10 – Request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District for a mixed-use facility.

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This is the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District for a mixed-use facility. This is the former Good Samaritan facility that is located between Walnut Street on the north and Spruce Street on the south, and is generally in the middle of the block between Madison Street on the east and Jackson Street on the west.

After Good Samaritan closed the nursing home facility in the fall of 2009, the property reverted to the Ziegler family in accordance with the deed conditions of the original gift of the property to Good Samaritan. The Ziegler family subsequently sold the property to the present owners, Hoover, Bachman & Associates, Inc., which is pursuing the establishment of a mixture of uses within the facility.

Staff met with the applicants to discuss the manner in which the proposed uses might be established, especially given the Good Samaritan facility is zoned “RD” Duplex Residential. The proposed uses would require a change in zoning regardless of what was likely to occur with the property. After discussion concerning the potential uses, and site visits with representatives of the applicant to review the challenges with converting the property to a new use; it was determined the “PDD” Planned Development District category would be the best approach to providing the flexibility to accommodate the limited uses proposed without the impact of a more general change to a commercial classification that would open the property to other potentially harmful uses for the neighborhood. The surrounding properties are almost exclusively single-family residential that have been maintained over the years in that manner with the full knowledge of the Good Samaritan facility. But that situation has now changed.

It is staff’s intention to “combine” several steps in the process for a Planned Development District by considering this a “preliminary” and a “final” development plan for this project. According to information provided by the applicant, the only exterior modifications of any

significance will be the removal of the breezeway connecting the single-family home on Walnut Street to the former nursing home facility. In addition, the northern rooms in that wing of the nursing home will be removed and remodeled to effectively create a new north wall of that wing of the building. As can be seen from the plans submitted, as well as the proposed final plat covering the replat of this area, the intention is to make the single-family home a separate property and remove it from the balance of the facility. In order to maintain compliance with the “spirit and intent” of the Zoning Regulations, staff is recommending this project be considered in this manner in order to allow the transition to its new use without overburdening either the applicant or the staff with difficult administrative management issues as the full use of this property manifests itself over time. Staff supports the idea of providing more flexibility in the uses for this property and still allow those uses to change without additional public hearings and “micro-management” by the City. Staff believes this can be achieved in the manner in which we are trying to implement the Planned Development District in this instance, and this process can become the model of how the Zoning Regulations may be modified in the future to codify this process.

Saying that, there are still standards and submittal requirements outlined within the Zoning Regulations that must be met and staff desires to see those standards addressed in the documentation provided for this project. In particular, the standards and submittal requirements are identified in Section 435.030 and Section 435.040 of the Zoning Regulations. Those standards and the staff comments to each are as follows.

## **DESIGN STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS**

### **SECTION 435.030: STANDARDS AND CRITERIA FOR PLANNED DEVELOPMENTS**

A. *Standards For All Planned Developments.* A development plan shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, design and location of buildings, the density or intensity of use, the common open space, the public facilities and the development by geographic division of the site:

1. The planned development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.

*According to the Development Plan, all renovations are to be completed within 18 months. Given that virtually all modifications will occur to the interior, this is reasonable. As noted above, the primary exterior modification will be to separate the single-family home on Walnut from the balance of the facility by removing the breezeway and removing the northern rooms from the nursing home structure.*

2. The planned development will not substantially injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the land use plan.



*Virtually all of the surrounding properties already are developed and it is not anticipated this modification will harm any of those properties. The application of the Planned Development District will do more to protect the use, value and enjoyment of the surrounding properties than a normal rezoning to some category that would accommodate the proposed uses.*

3. The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development. Traffic control signals will be provided without expense to the City when the City Governing Body determines that such signals are required to prevent traffic hazards or congestion in adjacent streets.

*The existing streets are felt adequate to accommodate the traffic loads anticipated to be generated by the potential uses without modification, either by improvements or installation of other traffic control devices.*

4. The development will not impose an undue burden on public services and facilities, such as fire and police protection.

*It is felt the proposed uses will impose no burden on these public services.*

5. The entire tract or parcel of land to be occupied by the planned development shall be held in a single ownership, or if there are two (2) or more owners, the application for such planned development shall be filed jointly by all such owners.

*The intention is to create two lots; one for the single-family home and the other for the balance of the former nursing home facility. The entire property is under single ownership at the time of the application, but in time the single-family home will be separated from the balance of the property. The plat shows how this is all to take place.*

6. The development plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of residential buildings, non-residential uses and structures, and public facilities as are necessary for the welfare of the planned development and are not inconsistent with the best interests of the area. Such covenants, easements and other provisions, if part of the development plan as finally approved, may be modified, removed or released only with the consent of the City Governing Body after a public hearing before, and recommendations by, the Planning Commission as provided in Section 435.040 B(1) of this Chapter. All such covenants shall specifically provide for enforcement by the City in addition to the landowners within the development.

*There have been no restrictive covenants submitted with this application to date. There is a statement on the Development Plan indicating that common areas are being established, but there is no further documentation as to how that area will be maintained. Staff believes covenants should be prepared to address these areas before the final action by the City Commission occurs. Whether the MPC wishes to review these is up to the Commission.*

7. The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall, in such case, specify reasonable periods within which development of each such unit must be commenced. In the case of residential planned developments and general planned developments which contain residential buildings, the Planning Commission may permit in each unit deviations from the number of units per acre established for the entire planned development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected. The period of time established for the completion of the entire development and the commencement date for each section thereof may be modified from time to time by the Planning Commission upon the showing of good cause by the Developer, provided that in no case shall any extension of time exceed twelve (12) months. The developer shall provide and record easements, covenants, shall make such other arrangements, and shall furnish such performance bond, escrow deposit, or other financial guarantees as may be determined by the Planning Commission to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.

*Since this is a redevelopment of an existing facility, staff does not believe this step is relevant.*

8. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned development not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved.

*The Development Plan indicates that no physical changes will occur except with respect to exterior lighting. Staff recommends the Development Plan, or the supplemental documentation that should be provided, note the type and manner of exterior lighting to be installed. Since this is an established neighborhood it is appropriate to evaluate the manner in which the lighting will be placed in order to mitigate any potential conflicts.*

9. When business or manufacturing structures or uses in a planned development district abut a residential district or residential buildings in the same development, screening shall be provided. In no event shall a business or manufacturing

structure in a planned development district be located nearer than one hundred (100) feet to a residential building.

*There is no screening shown on the Development Plan. There is an existing stone wall on the west side of the building, but this provides no screening. There are residential uses at the northwest corner of the property and all along the east side of the property. However, these homes have existed with the Good Samaritan facility for years and, in all practicality, the general appearance and use of the property is changing little under this plan. Staff has no position on whether screening is necessary at this location and for this property.*

10. Notwithstanding any of the other provisions of this Chapter, when a shopping center is developed as a planned development district, such shopping center shall have five (5) off-street parking spaces for each one thousand (1,000) square feet of floor area in the structures located in the planned shopping center development. Such off-street parking facilities shall comply with the provisions of Chapter 420 of this Title.

N/A

11. The specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment established in (Subdivision Regulations) Chapter 455 of the City as amended from time to time, may, within the limits hereinafter specified, be waived or modified by the Planning Commission where the Commission finds that such specifications are not required in the interests of the residents or occupants of the planned development and that the waiver or modification of such specifications would not be inconsistent with the interest of the entire City Planning Area. The City should set out:

- a. Any customary public service specifications and platting design controls which it will not modify or waive under any circumstances; and

*The only modification that will be addressed within the Development Plan will be changes to the setback requirements as a result of the division of land separating the single-family home and the balance of the property. Staff is taking the position the ultimate approval of the Development Plan will authorize those modifications as shown on the final plat.*

- b. In cases where it is willing to modify any specifications, the limits of such modifications. An example of the former might relate to sewer and water standards. Examples of the latter might be a total waiver of a requirement for sidewalks or a specified reduction in street widths.

*The minutes need to reflect the limits of the modifications of the setbacks being established, based on the documentation provided by Kaw Valley Engineering.*

12. Any modifications of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design to the development plan, and the amenities incorporated in it, and are not inconsistent with the interest of the public generally.

*The only real "modification" to the Zoning is the limitations established by the stated permitted uses on the Development Plan. These are title "Potential Uses" and are listed in the lower right-hand corner of the Development Plan. Staff has some problems with the list, as follows:*

- a. Item number 3 is "masseuse", which by definition is a massage provided by a female only. It is unknown what is intended by this, but staff believes that "touch/therapeutic massage" is what is intended. If so, the Development Plan needs to be modified to so state.*
- b. Item number 4 is "beauty salon", which could be construed to be limited to female patrons only. Staff believes that "cosmetologist" is what is intended, which broadens to cover barber services as well. If so, the Development Plan needs to be modified to so state.*
- c. Items 5 "associate childcare", 9 "rent an office while your child plays center", 11 "sick child care", and 14 "childcare" all are essentially the same thing. Staff would prefer this be considered as a licensed "Child Care Center" as defined by the State of Kansas, which allows virtually all of these uses but allows the management of the operation within the confines of state law.*
- d. Item 7 is "climate controlled storage", which makes this the same as a mini-storage facility. Staff believes this is not consistent with the overall desire to minimize the impacts to the neighborhood. If the storage space is provided to the tenants, that is an acceptable accessory use and no designation is needed. If the intent is to make space available for anyone to lease, that is a different story. Staff is opposed to making this a storage facility for lease to outside users.*
- e. Items 12 "music lessons" and 24 "cooking classes" denotes conducting educational operations within the facility. Staff would prefer to not open this as any type of an "educational" facility, but if that is acceptable to the MPC, staff would recommend that very specific limitations to what can be done be specified.*

- f. *Item 13 is "dining room for apartment dwellers, their guests, staff and locals", which is potentially too broad. By adding "...and locals" to the list makes this potentially a restaurant. It also precludes a "nonlocal" from being there, whatever that means. Staff believes it should be stated that there will be a "dining room" for food services to tenants, staff and their guests" is all that should be approved. The phrase "...their guests" should provide the breadth of use designation intended based on conversations with the applicant.*
- g. *Item 26 is "computer repair", which denotes a retail-type operation that could be more intensive in terms of public usage than most other uses. Staff would recommend this be eliminated or at least more specifically clarified as to what is being proposed.*
- h. *Item 27 is "swimex", which we have no idea at to its meaning. If this is intended to be a "water therapy" facility, staff is questioning whether the intention is to add a pool or water structure to the building. If this means something else, we wish clarification.*

B. *Standards for Residential Planned Developments and General Planned Developments Containing Residential Buildings.*

- 1. Any development plan that does not propose to increase the number of dwelling units per acre that would otherwise be permitted on the property under the zoning regulations otherwise applicable thereto shall be prima facie qualified for preliminary approval insofar as residential density is concerned. A development plan may provide for a greater number of dwelling units per acre than would be permitted by the zoning regulations otherwise applicable to the site, but if the number of dwelling units per acre exceeds by more than ten percent (10%) that permitted by the zoning regulations otherwise applicable to the site, the developer has the burden to show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The Planning Commission in determining the reasonableness of a proposed increase in the number of dwelling units per acre, shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public services to be achieved by:
  - a. The amount, location and proposed use of common open space, and
  - b. The location, design and type of dwelling units.

The Planning Commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in the particular location.

*Since there is only one single-family home, this is not an issue.*

2. When common open space is provided in a development plan, the amount and location of such common open space shall be consistent with the declared function of the common open space as set forth in the application for a planned development district. The development plan shall include such provision for the ownership and maintenance of the common open space as are reasonably necessary to ensure its continuity, care, conservation and maintenance, and to ensure that remedial measures will be available to the City if the common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interest of the planned development or of the entire City Planning Area.

*As noted earlier, most of the land occupied by the former Good Samaritan facility that is not within the building is stated to be "common open space." The statement on the Development Plan says this space will be maintained by the applicant, but that should be conveyed within a Restrictive Covenant that carries the responsibility on to future owners and/or operators.*

3. When a planned development includes common open space, such common open space shall never be used for the construction of any structure nor shall such open space ever be computed as a part of the required minimum lot area, or any required yard, of any other structure. Adequate safeguards, including recorded covenants, shall be provided to prevent the subsequent development of, and the future construction of structures on, such open space.

*The Restrictive Covenants should address this issue in detail.*

4. The total ground area occupied by buildings and structures shall not exceed thirty-five percent (35%) of the total ground area of the planned development unless previous development in the neighborhood has a greater lot coverage, in which case the development plan may increase the lot coverage of buildings and structures to correspond with the bulk of the other structures in the neighborhood.

*The Development Plan states the total ground coverage is 26.64 percent, which is within the limitations of the Zoning Regulations.*

5. Non-residential uses of a religious, educational or recreational nature shall be designed or intended primarily for the use of the residents of the planned development.

*As noted in the statements above on the listed uses, there are some "educational" uses proposed and that staff is recommending these not be allowed. The Restrictive Covenants can address this issue with respect to the amenities within the project, depending upon the final position of the MPC.*

6. Non-residential uses of a business character shall be designed or intended to serve principally the residents of the planned development. No structure designed or intended to be used, in part or in whole, for business purposes shall be constructed prior to the construction of not less than thirty percent (30%) of the dwelling units proposed in the development plan.

*The proposed plans for this project do not fit cleanly within the apparent intent of this section, but staff recommends the Planned Development District be approved for this property with the specific understanding the business uses are intended to serve the community.*

7. Planned developments shall have yard setbacks which reflect the following considerations:
  - a. The character and intensity of adjacent development.
  - b. The size of yard setbacks provided by adjacent development.
  - c. The height and character of proposed structures within the planned development and the nature and intensity of their proposed use.
  - d. The desired character and density of the surrounding neighborhood.

*As noted above, the proposed replat of this property will reflect all the setback issues that need to be clarified, especially for the single-family home.*

#### **SECTION 435.040: PROCEDURE FOR SECURING APPROVAL OF A PLANNED DEVELOPMENT AND THE ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT**

##### **A. Preliminary Development Plan.**

1. A developer seeking the establishment of a planned development district shall prepare and submit to the Planning Commission a preliminary development plan for such planned development district.

*The submitted Development Plan serves as both the preliminary development plan and the final development plan. The final document will be prepared based on any modifications made during this approval process.*

2. The preliminary development plan shall contain the following documents and information:
  - a. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.

*Done.*

- b. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress, including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites, and recreational facilities.

*Done.*

- c. A preliminary plat of subdivision for which concurrent approval has been applied for pursuant to the applicable ordinance rules and regulations relating to subdivision approval. (See Chapter 455).

*This is going directly to a final plat for the replat of the property.*

- d. A statement of the anticipated residential density (when applicable), the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.

*This is not necessary given the nature of the project.*

- e. Preliminary sketches of the proposed structures and landscaping; except that this requirement shall not apply to detached, single-family residences.

*All statements clarify the existing structures will not be changed.*

- f. When a planned development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a residential density that exceeds by more than twenty percent (20%) the proposed residential density of the entire planned development. The above requirement may be waived upon sufficient assurances that the residential density will not be exceeded for the entire development upon completion of the planned development district.

When a planned development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire planned development as the stages or units completed or under development bear to the entire planned development.

*This is not applicable.*



- g. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.

*This is done by the common ownership of the entire tract by the applicant.*

- h. When it deems it to be necessary, the Planning Commission may require a traffic survey setting out and analyzing the effect that the planned development will have upon traffic in the streets and thoroughfares adjacent to and in the vicinity of the proposed development.

*Staff does not believe this is necessary.*

- i. A statement showing the relationship of the planned development to the comprehensive plan and future land use map for the City.

*There is a statement on the face of the Development Plan that this is consistent with the Comprehensive Plan of 2007. Staff concurs.*

- j. In the case of general planned developments, a statement identifying the principal types of business and/or industrial uses that are to be included in the proposed development.

*This has been done and discussed above.*

- k. When a planned development includes provisions for common open space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.

*This is the subject of an earlier comment and can be addressed in the Restrictive Covenants that have been requested by staff.*

- l. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.

*As previously stated, we have received nothing as of the date of this staff report.*

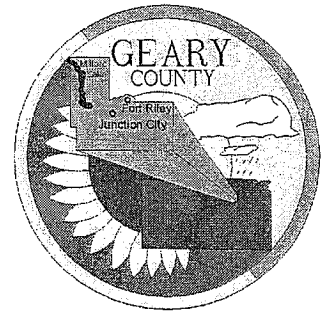
**Staff Recommendation:** Staff recommends the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from "RD" Duplex Residential to "PDD" Planned Development District for a mixed-use facility be recommended for approval subject to modifications to the Development Plan addressing the items noted above, including the preparation of Restrictive Covenants to be recorded against the property complying with the requirements of the Zoning Regulations.

**Suggested Motion:**

I move that Case No. Z-07-01-10, concerning the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from "RD" Duplex Residential to "PDD" Planned Development District for a mixed-use facility, as modified at this meeting, be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing.



**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**



**STAFF REPORT**

August 17, 2010

**TO:** Metropolitan Planning Commission / Board of Zoning Appeals

**FM:** David L. Yearout, AICP, Director of Planning and Zoning

**SUBJECT:** Z-07-01-10 – Request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District for a mixed-use facility.

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This is the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District for a mixed-use facility. This is the former Good Samaritan facility that is located between Walnut Street on the north and Spruce Street on the south, and is generally in the middle of the block between Madison Street on the east and Jackson Street on the west.

This case was continued from last month in order for the development plan to be revised by amending the list of permitted uses within the Planned Development District. According to the Zoning Regulations of the City of Junction City, the Final Development Plan, or at least supporting documentation thereto, are to identify the specific uses to be permitted within the development. The applicant indicated a desire to establish a mixture of residential and commercial uses within the facility that once was used as a nursing home. The original list of uses did not provide sufficient clarity to provide adequate oversight under the provisions of the Zoning Regulations and the MPC desired to see the list of uses rectified to resolve those issues.

The applicant provided a new list (a copy is attached for your review), but staff still believes the list is both too specific and identifies some uses that may be problems. In particular, uses such as audiology clinic, medical office, optometrist office, dental office can be combined with the physical, occupational and speech therapy services, and possibly the touch/therapeutic massage, as a single listing of “medical offices, including massage and therapy services.” Also, many of the other “services” such as computer support and video editing can be identified more as “computer support services, but not retail sales.” It is this type of listing that should be developed, rather than identify specific activities. The staff reasoning for this is to provide enough flexibility to allow evolution of the uses over time without having to come back for amendments to the PDD each time; and to not make the uses so narrow to preclude other similar uses in the future.

The standards and submittal requirements outlined within the Zoning Regulations were reviewed in the last staff report. Those standards and the staff comments given last month (and edited for the information provided from last month in "red") are as follows:

## **DESIGN STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS**

### **SECTION 435.030: STANDARDS AND CRITERIA FOR PLANNED DEVELOPMENTS**

A. *Standards For All Planned Developments.* A development plan shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, design and location of buildings, the density or intensity of use, the common open space, the public facilities and the development by geographic division of the site:

1. The planned development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.

*According to the Development Plan, all renovations are to be completed within 18 months. Given that virtually all modifications will occur to the interior, this is reasonable. As noted above, the primary exterior modification will be to separate the single-family home on Walnut from the balance of the facility by removing the breezeway and removing the northern rooms from the nursing home structure.*

2. The planned development will not substantially injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the land use plan.

*Virtually all of the surrounding properties already are developed and it is not anticipated this modification will harm any of those properties. The application of the Planned Development District will do more to protect the use, value and enjoyment of the surrounding properties than a normal rezoning to some category that would accommodate the proposed uses.*

3. The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development. Traffic control signals will be provided without expense to the City when the City Governing Body determines that such signals are required to prevent traffic hazards or congestion in adjacent streets.

*The existing streets are felt adequate to accommodate the traffic loads anticipated to be generated by the potential uses without modification, either by improvements or installation of other traffic control devices.*

4. The development will not impose an undue burden on public services and facilities, such as fire and police protection.

*It is felt the proposed uses will impose no burden on these public services.*

5. The entire tract or parcel of land to be occupied by the planned development shall be held in a single ownership, or if there are two (2) or more owners, the application for such planned development shall be filed jointly by all such owners.

*The intention is to create two lots; one for the single-family home and the other for the balance of the former nursing home facility. The entire property is under single ownership at the time of the application, but in time the single-family home will be separated from the balance of the property. The plat shows how this is all to take place.*

6. The development plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of residential buildings, non-residential uses and structures, and public facilities as are necessary for the welfare of the planned development and are not inconsistent with the best interests of the area. Such covenants, easements and other provisions, if part of the development plan as finally approved, may be modified, removed or released only with the consent of the City Governing Body after a public hearing before, and recommendations by, the Planning Commission as provided in Section 435.040 B(1) of this Chapter. All such covenants shall specifically provide for enforcement by the City in addition to the landowners within the development.

*There have been no restrictive covenants submitted with this application to date. There is a statement on the Development Plan indicating that common areas are being established, but there is no further documentation as to how that area will be maintained. Staff believes covenants should be prepared to address these areas before the final action by the City Commission occurs. Whether the MPC wishes to review these is up to the Commission. Staff still has not seen the restrictive covenants as of the date of this staff report.*

7. The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall, in such case, specify reasonable periods within which development of each such unit must be commenced. In the case of residential planned developments and general planned developments which contain residential buildings, the Planning Commission may permit in each unit deviations from the number of units per acre established for the entire planned development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected. The period of time established for the completion of the entire development and the commencement date for each section thereof may be modified from time to time by the Planning

Commission upon the showing of good cause by the Developer, provided that in no case shall any extension of time exceed twelve (12) months. The developer shall provide and record easements, covenants, shall make such other arrangements, and shall furnish such performance bond, escrow deposit, or other financial guarantees as may be determined by the Planning Commission to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.

*Since this is a redevelopment of an existing facility, staff does not believe this step is relevant.*

8. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned development not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved.

*The Development Plan indicates that no physical changes will occur except with respect to exterior lighting. Staff recommends the Development Plan, or the supplemental documentation that should be provided, note the type and manner of exterior lighting to be installed. Since this is an established neighborhood it is appropriate to evaluate the manner in which the lighting will be placed in order to mitigate any potential conflicts. The site plan still needs to be modified to address the exterior lighting. Also, the applicant indicated a desire to use the portion of Lot 1 north of the alley on the east side as future parking for employees. The site plan should identify this use and note it will be built to City standards.*

9. When business or manufacturing structures or uses in a planned development district abut a residential district or residential buildings in the same development, screening shall be provided. In no event shall a business or manufacturing structure in a planned development district be located nearer than one hundred (100) feet to a residential building.

*There is no screening shown on the Development Plan. There is an existing stone wall on the west side of the building, but this provides no screening. There are residential uses at the northwest corner of the property and all along the east side of the property. However, these homes have existed with the Good Samaritan facility for years and, in all practicality, the general appearance and use of the property is changing little under this plan. Staff has no position on whether screening is necessary at this location and for this property.*

10. Notwithstanding any of the other provisions of this Chapter, when a shopping center is developed as a planned development district, such shopping center shall have five (5) off-street parking spaces for each one thousand (1,000) square feet of floor area in the structures located in the planned shopping center development. Such off-street parking facilities shall comply with the provisions of Chapter 420 of this Title.

N/A

11. The specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment established in (Subdivision Regulations) Chapter 455 of the City as amended from time to time, may, within the limits hereinafter specified, be waived or modified by the Planning Commission where the Commission finds that such specifications are not required in the interests of the residents or occupants of the planned development and that the waiver or modification of such specifications would not be inconsistent with the interest of the entire City Planning Area. The City should set out:

- a. Any customary public service specifications and platting design controls which it will not modify or waive under any circumstances; and

*The only modification that will be addressed within the Development Plan will be changes to the setback requirements as a result of the division of land separating the single-family home and the balance of the property. Staff is taking the position the ultimate approval of the Development Plan will authorize those modifications as shown on the final plat. The revised Site Plan notes the setbacks for the uses, including the reduction of the rear yard setback for the single-family home.*

- b. In cases where it is willing to modify any specifications, the limits of such modifications. An example of the former might relate to sewer and water standards. Examples of the latter might be a total waiver of a requirement for sidewalks or a specified reduction in street widths.

*The minutes need to reflect the limits of the modifications of the setbacks being established, based on the documentation provided by Kaw Valley Engineering. See note above.*

12. Any modifications of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design to the development plan, and the amenities incorporated in it, and are not inconsistent with the interest of the public generally.

*The only real “modification” to the Zoning is the limitations established by the stated permitted uses on the Development Plan. These are title “Potential Uses” and are listed in the lower right-hand corner of the Development Plan. Staff has some problems with the list, as follows:*

- a. Item number 3 is “masseuse”, which by definition is a massage provided by a female only. It is unknown what is intended by this, but staff believes that “touch/therapeutic massage” is what is intended. If so, the Development Plan needs to be modified to so state.*
- b. Item number 4 is “beauty salon”, which could be construed to be limited to female patrons only. Staff believes that “cosmetologist” is what is intended, which broadens to cover barber services as well. If so, the Development Plan needs to be modified to so state.*
- c. Items 5 “associate childcare”, 9 “rent an office while your child plays center”, 11 “sick child care”, and 14 “childcare” all are essentially the same thing. Staff would prefer this be considered as a licensed “Child Care Center” as defined by the State of Kansas, which allows virtually all of these uses but allows the management of the operation within the confines of state law.*
- d. Item 7 is “climate controlled storage”, which makes this the same as a mini-storage facility. Staff believes this is not consistent with the overall desire to minimize the impacts to the neighborhood. If the storage space is provided to the tenants, that is an acceptable accessory use and no designation is needed. If the intent is to make space available for anyone to lease, that is a different story. Staff is opposed to making this a storage facility for lease to outside users.*
- e. Items 12 “music lessons” and 24 “cooking classes” denotes conducting educational operations within the facility. Staff would prefer to not open this as any type of an “educational” facility, but if that is acceptable to the MPC, staff would recommend that very specific limitations to what can be done be specified.*
- f. Item 13 is “dining room for apartment dwellers, their guests, staff and locals”, which is potentially too broad. By adding “...and locals” to the list makes this potentially a restaurant. It also precludes a “nonlocal” from being there, whatever that means. Staff believes it should be stated that there will be a “dining room” for food services to tenants, staff and their guests” is all that should be approved. The phrase “...their guests” should provide the breadth of use designation intended based on conversations with the applicant.*



- g. *Item 26 is "computer repair", which denotes a retail-type operation that could be more intensive in terms of public usage than most other uses. Staff would recommend this be eliminated or at least more specifically clarified as to what is being proposed.*
- h. *Item 27 is "swimex", which we have no idea as to its meaning. If this is intended to be a "water therapy" facility, staff is questioning whether the intention is to add a pool or water structure to the building. If this means something else, we wish clarification.*

*As noted at the beginning of this staff report, there are still some modifications that should be made to the listing of permitted uses to make this both more flexible over time and clearer as to the uses allowed.*

B. *Standards for Residential Planned Developments and General Planned Developments Containing Residential Buildings.*

1. Any development plan that does not propose to increase the number of dwelling units per acre that would otherwise be permitted on the property under the zoning regulations otherwise applicable thereto shall be prima facie qualified for preliminary approval insofar as residential density is concerned. A development plan may provide for a greater number of dwelling units per acre than would be permitted by the zoning regulations otherwise applicable to the site, but if the number of dwelling units per acre exceeds by more than ten percent (10%) that permitted by the zoning regulations otherwise applicable to the site, the developer has the burden to show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The Planning Commission in determining the reasonableness of a proposed increase in the number of dwelling units per acre, shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public services to be achieved by:
  - a. The amount, location and proposed use of common open space, and
  - b. The location, design and type of dwelling units.

The Planning Commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in the particular location.

*Since there is only one single-family home, this is not an issue.*

2. When common open space is provided in a development plan, the amount and location of such common open space shall be consistent with the declared function of the common open space as set forth in the application for a planned development district. The development plan shall include such provision for the

ownership and maintenance of the common open space as are reasonably necessary to ensure its continuity, care, conservation and maintenance, and to ensure that remedial measures will be available to the City if the common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interest of the planned development or of the entire City Planning Area.

*As noted earlier, most of the land occupied by the former Good Samaritan facility that is not within the building is stated to be "common open space." The statement on the Development Plan says this space will be maintained by the applicant, but that should be conveyed within a Restrictive Covenant that carries the responsibility on to future owners and/or operators. This still needs to be addressed.*

3. When a planned development includes common open space, such common open space shall never be used for the construction of any structure nor shall such open space ever be computed as a part of the required minimum lot area, or any required yard, of any other structure. Adequate safeguards, including recorded covenants, shall be provided to prevent the subsequent development of, and the future construction of structures on, such open space.

*The Restrictive Covenants should address this issue in detail. This still needs to be done.*

4. The total ground area occupied by buildings and structures shall not exceed thirty-five percent (35%) of the total ground area of the planned development unless previous development in the neighborhood has a greater lot coverage, in which case the development plan may increase the lot coverage of buildings and structures to correspond with the bulk of the other structures in the neighborhood.

*The Development Plan states the total ground coverage is 26.64 percent, which is within the limitations of the Zoning Regulations.*

5. Non-residential uses of a religious, educational or recreational nature shall be designed or intended primarily for the use of the residents of the planned development.

*As noted in the statements above on the listed uses, there are some "educational" uses proposed and that staff is recommending these not be allowed. The Restrictive Covenants can address this issue with respect to the amenities within the project, depending upon the final position of the MPC. The plan still identifies "music lessons" as a use; but there is no clarification of a restriction to residents. That needs to be addressed.*

6. Non-residential uses of a business character shall be designed or intended to serve principally the residents of the planned development. No structure designed or intended to be used, in part or in whole, for business purposes shall be constructed prior to the construction of not less than thirty percent (30%) of the dwelling units proposed in the development plan.

*The proposed plans for this project do not fit cleanly within the apparent intent of this section, but staff recommends the Planned Development District be approved for this property with the specific understanding the business uses are intended to serve the community.*

7. Planned developments shall have yard setbacks which reflect the following considerations:
  - a. The character and intensity of adjacent development.
  - b. The size of yard setbacks provided by adjacent development.
  - c. The height and character of proposed structures within the planned development and the nature and intensity of their proposed use.
  - d. The desired character and density of the surrounding neighborhood.

*As noted above, the proposed replat of this property will reflect all the setback issues that need to be clarified, especially for the single-family home.*

#### **SECTION 435.040: PROCEDURE FOR SECURING APPROVAL OF A PLANNED DEVELOPMENT AND THE ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT**

##### **A. Preliminary Development Plan.**

1. A developer seeking the establishment of a planned development district shall prepare and submit to the Planning Commission a preliminary development plan for such planned development district.

*The submitted Development Plan serves as both the preliminary development plan and the final development plan. The final document will be prepared based on any modifications made during this approval process.*

2. The preliminary development plan shall contain the following documents and information:
  - a. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.

*Done.*

- b. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress, including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites, and recreational facilities.

*Done.*

- c. A preliminary plat of subdivision for which concurrent approval has been applied for pursuant to the applicable ordinance rules and regulations relating to subdivision approval. (See Chapter 455).

*This is going directly to a final plat for the replat of the property.*

- d. A statement of the anticipated residential density (when applicable), the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.

*This is not necessary given the nature of the project.*

- e. Preliminary sketches of the proposed structures and landscaping; except that this requirement shall not apply to detached, single-family residences.

*All statements clarify the existing structures will not be changed.*

- f. When a planned development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a residential density that exceeds by more than twenty percent (20%) the proposed residential density of the entire planned development. The above requirement may be waived upon sufficient assurances that the residential density will not be exceeded for the entire development upon completion of the planned development district.

When a planned development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire planned development as the stages or units completed or under development bear to the entire planned development.

*This is not applicable.*

- g. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.

***This is done by the common ownership of the entire tract by the applicant.***

- h. When it deems it to be necessary, the Planning Commission may require a traffic survey setting out and analyzing the effect that the planned development will have upon traffic in the streets and thoroughfares adjacent to and in the vicinity of the proposed development.

***Staff does not believe this is necessary.***

- i. A statement showing the relationship of the planned development to the comprehensive plan and future land use map for the City.

***There is a statement on the face of the Development Plan that this is consistent with the Comprehensive Plan of 2007. Staff concurs.***

- j. In the case of general planned developments, a statement identifying the principal types of business and/or industrial uses that are to be included in the proposed development.

***This has been done and discussed above.***

- k. When a planned development includes provisions for common open space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.

***This is the subject of an earlier comment and can be addressed in the Restrictive Covenants that have been requested by staff. This still needs to be done.***

- l. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.

***As previously stated, we have received nothing as of the date of this staff report. This still needs to be done.***

**Staff Recommendation:** Staff recommends the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District for a mixed-use facility be recommended for approval subject to modifications to the Development Plan addressing the items noted above, including the preparation of Restrictive Covenants to be recorded against the property complying with the requirements of the Zoning Regulations.

**Suggested Motion:**

I move that Case No. Z-07-01-10, concerning the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, to rezone property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District for a mixed-use facility, as modified at this meeting, be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing.

**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**

July 8, 2010  
7:00 p.m.

**Members Present**

Brandon Dibben  
Maureen Gustafson  
John Moyer  
Mike Ryan  
Mike Steinfort

**Members Absent**

Ken Mortensen  
Rick Ziegler

**Staff**

David Yearout  
Jill Iwen

**1. CALL TO ORDER AND ROLL CALL**

Chairman Mike Steinfort called the meeting to order at 7:00 p.m. and noted a quorum present.

**2. APPROVAL OF MINUTES**

Commissioner Gustafson moved to approve the minutes of the June 10, 2010. Commissioner Moyer seconded the motion and it passed unanimously.

**3. OLD BUSINESS**

None.

**4. NEW BUSINESS**

**Item No. 1– Case No. TA 07-01-10 – Public Hearing on text amendment to the Junction City Subdivision Regulations concerning exemptions from platting and issuance of certain types of building permits.**

Chairman Steinfort called the public hearing to order on the consideration of the application initial by the Metropolitan Planning Commission to amend the Junction City Subdivision Regulations by adding a new exemption from the platting requirement and allowing certain improvements to unplatted properties within the City of Junction City.

Mr. Yearout reviewed the substance of proposed text amendment and pointed out the intent was to allow building permits to be allowed for certain improvements to existing improved properties within the City of Junction City that are on unplatted property without requiring a formal plat. If the land is unimproved and the owner wishes to build a home or other principal structure, the land will still be required to be platted before a building permit can be issued. This is a process that many other cities use for these types of properties.

Chairman Steinfort called for comments from the public. Hearing none, the public hearing was officially closed.

In response to a question from the MPC, Mr. Yearout confirmed this issue was originally identified because of a building permit for an addition to an existing home on McFarland and that, if the amendment is approved, that building permit will be allowed to move forward.

Mr. Yearout also noted the ordinance by the City Commission to complete the text change will have language addressing some other sections of the City Code concerning this issue, but the statutes require the MPC to hold the hearing and make recommendations on the portion that amend the Subdivision Regulations.

There being no further discussion, Commissioner Dibben moved to recommend approval of the text amendment to the Junction City Subdivision Regulations concerning exemption from platting for certain properties and the issuance of building permits. Commissioner Moyer seconded the motion and it carried unanimously.

**Item No. 2 - Case No. Z-07-01-10 – Public Hearing on request of Justin Hoover, President, Hoover, Bachman & Associates, Inc., to rezone property at 416 West Spruce, Junction City, Kansas, from “RD” to “PDD”.**

Chairman Steinfort called the public hearing to order on the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover Bachman & Associates, to rezone property at 416 West Spruce Street from “RD” Duplex Residential to “PDD” Planned Development District.

Mr. Yearout reviewed the staff report and noted that the challenge with this project is to provide an adequate mixture of uses designated within the Planned Development District and still retain enough flexibility to accommodate the changes being made to the property as a result of the closure of the Good Samaritan Center. In particular is the concern to accommodate the division of the land with the single-family home on Walnut away from the balance of the property. Mr. Yearout also noted the list of proposed uses and the changes noted in the staff report that need to be reviewed by the MPC in the final approval of the zoning change. Further, a Restrictive Covenant must be prepared which identifies the long-term commitment to maintenance of the common areas.

Mr. Yearout noted the proposed development plan showed the manner in which the overall modifications to the buildings will occur. In short, little change is proposed except for some removal of some structures that connect the single family home to the east wing of the housing complex that was Good Samaritan. The plan shows that the breezeway and the northern rooms are to be removed and a new wall constructed. Additionally, the single-family home is being sold separately from the balance of the property, which is being accomplished by the plat of this activity which will be addressed later in the meeting. Also, the intention is to draw the line between the single-family home and the balance of the operation in a manner which changes access to the alley that is on the east side of the property. Staff is questioning whether the land division should be shown differently in order to better afford access to the single-family home; especially for the utility services in that alley.



Mr. Justin Hoover, President of Hoover, Bachman & Associates, reviewed the overall development intentions for the facility. He indicated the listed uses on the development plan were prepared by his staff and that the modifications could be made. The intent was to provide as much flexibility as possible.

Mr. Hoover stated the location of the lot line shown on the site plan is where they wish to divide the property. The intent is to develop the land off the alley as parking for staff as the need arises. The necessary easements can be provided for the utilities.

Mr. Hoover stated the overall desire for the balance of the facility is to provide office space for various aspects of the business and to establish some "apartments" for seniors within the living quarters of the facility. It is not the intent to reestablish this as any type of a care home facility and that the residents would be provided a living arrangement that was more conducive to the social interaction between the residents, rather than any housing arrangement with some level of care provided. That would not preclude the potential the residents may be clients of the medical services offered within the facility, but that is not the purpose of the living quarters.

As for the list of uses, Mr. Hoover indicated he was willing to adjust the list in accordance with staff recommendations. As previously stated, the desire was to maintain as much flexibility as possible for both now and into the future.

Chairman Steinfort opened the hearing for other comments from the public. There were none. Chairman Steinfort closed the public hearing and called for questions or comments from the MPC.

Several members had specific questions regarding the ultimate uses and were interested in the adjustments to the list of uses on the development plan because that list is what will control the development, rather than just the Zoning Regulations. Mr. Hoover indicated they would work with the staff to adjust the list of uses in order to resolve any differences.

The MPC discussed the need to assure themselves the list was accurate before final approval was granted and the final development plan needs to reflect the actual development activity proposed since it will control all future development on the site.

Commissioner Moyer moved to continue consideration of Case No. Z-07-01-10 until the August meeting in order for the final development plan to be modified showing the actual construction, including the parking off the alley, and the revisions to the list of permitted uses. Commissioner Gustafson seconded the motion and it passed unanimously.

### **Item No. 3 - Case No. FP 07-01-10 – Final Plat of the Ziegler Planned Development District.**

Chairman Steinfort called to order the consideration of the final plat of the Ziegler Addition as submitted by Kaw Valley Engineering, agent, on behalf of Justin A. Hoover, President, Hoover, Bachman & Associates, Inc. for the approval of the plat of 416 West Spruce Street, Junction City, Kansas.

Mr. Yearout reviewed the staff report and noted the issues that had been identified in the discussion on the zoning case that was just heard. The primary issues on the plat are the need to resolve the location of the property line on the east side of the plat between the two lots and the placement of a utility easement from the alley on the east side to the lot serving the single-family home. Both Westar and the phone company provide service to the existing home from the alley and will need the line within an easement since the property will be in two ownerships. Mr. Yearout also noted the sewer line serving the existing single-family home will need to be identified and covered by an easement since the sanitary sewer main runs east/west in the alley.

Mr. Josh Junghans of Kaw Valley Engineering was present and acknowledged the comments from staff and that those issues would be addressed.

Mr. Justin Hoover, President of Hoover, Bachman & Associates, noted the desire to keep the lot line between the two lots as shown for the reasons stated earlier. He said he was not aware of where the sewer line is located from the single-family home, but that the necessary easements can be shown once that is known.

Commissioner Moyer moved to continue the consideration of Case No. FP-07-01-10, the final plat of the Ziegler Addition, to the August meeting in order for the corrections to be made to the final plat drawing. Commissioner Gustafson seconded the motion and it carried unanimously.

**Item No. 4 – Case No. SUP-07-01-10 – Public Hearing on request for a Special Use Permit to allow the construction of a communications tower at 4110 Shandy Lane, Geary County, Kansas.**

Chairman Steinfort called the public hearing to order on Case No. SUP-07-01-10, the application of Rick Goetz, Black & Veatch, agent, on behalf of New Cingular Wireless (AT&T), tower owner and lessee, and Gary and Joy Shandy, landowners, for a Special Use Permit to construct a communications tower at 4110 Shandy Lane, Geary County, Kansas. Commissioner Moyer noted for the record that he is a cousin of the landowner, but would continue to participate in this case as he felt there was no conflict.

Mr. Yearout reviewed the staff report and noted this request is for a 250-foot, self-support tower on the property owned by Gary and Joy Shandy just to the east of the City of Milford, and on the east side of US 77 Highway. Mr. Yearout noted there is an existing tower on this property that staff has been told was constructed for the cable television system serving Milford years ago, but this tower has been nearly abandoned, or at least its usage has been reduced considerably from what was there in the beginning. However, it has been determined by the engineers for AT & T the tower is neither fully capable of supporting the placement of the equipment needed for this cell site, nor does it provide sufficient height. That has resulted in the proposal to construct another tower.

Mr. Yearout reviewed the requirements of the regulations as adopted by the County Commission within the past year regarding these types of facilities and pointed out the issues that were not clearly covered within the submittals with the application. Mr. Yearout stated staff is recommending a recommendation of approval for the Special Use Permit subject to the modifications or submission of documents addressing the requirements of the Zoning Regulations.

Lori Hatfield, engineer with Black & Veatch, stated she was present to cover for Mr. Goetz, who was unavailable due to an assignment to a project out of state. Ms. Hatfield stated the applicant was aware of the issues addressed by staff and that all the documentation required by the County Zoning Regulations would be provided with the application for the building permit to construct the tower if the zoning is approved. She acknowledged the approvals from both the FAA and FCC had been obtained, subject to final approval by the local officials and that copies of that information would be provided. The FAA approval would include acknowledgement from the Army regarding this location in respect to its impact upon Fort Riley.

Chairman Steinfort opened the public hearing to questions or comments from the public. Hearing none, Chairman Steinfort closed the public hearing and called for further discussion or a motion from the Commission.

Commissioner Gustafson moved the MPC recommend the Board of County Commissioners approval a Special Use Permit for the property owned by Gary and Joy Shandy near Milford, as requested in Case No. SUP-07-01-10, in order for a 250-foot self-support communications tower to be constructed, subject to the conditions outlined in the staff report and based on the findings and reasoning provided in the staff report and as heard at this hearing. Commissioner Ryan seconded the motion and it carried unanimously.

## **RECESS AS METROPOLITAN PLANNING COMMISSION**

Commissioner Gustafson moved the Metropolitan Planning Commission recess and reconvene as the Board of Zoning Appeals. Commissioner Moyer seconded the motion and it carried unanimously.

## **CONVENE AS BOARD OF ZONING APPEALS**

### **1. OLD BUSINESS**

**Item No. 1 – Case No. BZACU-06-01-10 – Public Hearing on request for a Conditional Use Permit to allow the operation of a self-storage facility at 2721 Gateway Court, Junction City, Kansas.**

Chairman Steinfort called the continued public hearing to order on the application of Triangle Self Storage, owner, requesting a Conditional Use Permit to operate a self-storage facility at 2721 Gateway Court, Junction City, Kansas.

Mr. Yearout reviewed the information that had been received from the applicant and from Kansas Gas Service regarding the usage of the land within the 100-foot easement Kansas Gas Service has at the southern end of this property. In short, Kansas Gas Service has consented to the usage of the northern 25 feet of the easement on a limited basis for access, subject to not having this area paved. Mr. Yearout noted the waiver of the paving could only be done by the City Commission and staff recommends any approval be subject to the City Commission giving that approval.

Mr. Charles Woodard, representing Triangle Self Storage, stated his company had extensive discussions with Kansas Gas Service and the compromise for usage outlined by staff was correct and the manner in which his company wished to proceed.

Mr. Yearout stated the review of the site plan was showing that the paving of the balance of the property was not extended to the easement line, which was what had been stated previously to the Board of Zoning Appeals. He stated it was staff's opinion the entire area being utilized by Triangle Self Storage for access to the storage units should be paved except for the area within the gas line easement in accordance with the letter of consent from Kansas Gas Service.

Mr. Woodard acknowledged the site plan would be modified to reflect the paving of the areas in accordance with the staff recommendations.

Chairman Steinfort opened the public hearing for other comments from the public. Hearing none, the public hearing was closed and Chairman Steinfort called for questions or comments from the BZA.

Upon a question from the Board, Mr. Woodard acknowledged that if his company was not able to utilize the 25 feet within the gas line easement as proposed the project would not go forward. He further acknowledged that area will be limited for access only and that nothing can be stored in that area.

Commissioner Gustafson moved to approve Conditional Use Permit, Case No. BZACU-06-01-10, authorizing Triangle Self Storage to construct mini-storage facilities on property located at 2721 Gateway Court, subject to the site plan being modified to show that the paving shall extend to the easement line and that the use of the northern 25 feet of land within the Kansas Gas Service easement receive a waiver of paving by the City Commission of the City of Junction City. Commissioner Moyer seconded the motion and it carried unanimously.

**Item No. 2 – Case No. BZACU 06-02-10 – Public Hearing on request for a Conditional Use Permit to allow a Day Care Home at 109 Arapahoe Court, Junction City, KS.**

Chairman Steinfort call the continued public hearing to order on the application of Renee A. Taggart, owner, for a Conditional Use Permit to allow the operation of a Licensed Day Care Home for not more than 10 children at 109 Arapahoe Court, Junction City, Kansas.

Mr. Yearout noted staff had several conversations with various city and county officials, as well as representatives from Kansas Department of Health and Environment, concerning the changes to the child care laws being implemented as a result of the changes to statutes in this past legislative session. In short, there have been no definitive direction given as to what specifically will be done or whether there is still the latitude to make modifications at the local level to deal with the impacts. Mr. Yearout noted that not all communities have the number of day care operations like what exists in Junction City and Geary County; and not all communities manage how those day care operations are permitted.

Mr. Yearout stated staff is preparing a text amendment to all the local codes and regulations to establish a local category of licensed day care home which limits the number of children to 6 and that will be maintained as a permitted "home occupation" for usage. If the licensed day care home wishes to operate with up to 10 children, which is the upper limit under current state law, then a local zoning approval will still be necessary. Mr. Yearout stated he felt since the Army's program for the child care off post limits to 6 children, the City and County doing the same thing can be defended and will allow the majority of day care operations to continue without having to go through a zoning process for each one.

Mr. Yearout stated it was staff's recommendation to continue this application in order to finalize the amendments and that if those amendments are approved this application becomes moot.

Commissioner Gustafson moved to continue Case No. BZACU-06-02-10 be continued until the next meeting. Commissioner Dibben seconded the motion and it carried unanimously.

## **2. NEW BUSINESS**

### **Item No. 1 – Case No. AP-07-01-10 – Public Hearing on appeal of decision by the Junction City/Geary County Planning and Zoning Director.**

Chairman Steinfort called the public hearing to order the appeal of the decision by the Junction City/Geary County Planning and Zoning Director that the property located at 4718 Liberty Hall Road is being used as commercial property, filed by Deanna Munson, agent, for Munson Angus Farms - Black Horse Hitch, LLC.

Mr. Yearout reviewed for the Board of Zoning Appeals its responsibilities when an administrative appeal is made. The options available to the Board are as outlined in both the Geary County Zoning Regulations and Kansas State Statutes. In short, the Board can uphold the administrative decision, overturned the administrative decision, or do anything in between. The only note is that to overturn the administrative decision, a majority of the entire Board must be obtained, which means at least 4 votes are necessary. A simple majority of a quorum, or 3 votes, will not suffice.

Mr. Yearout reviewed the history of the issue at question. Munson Angus Farms – Black Horse Hitch, LLC, which has control of the single-family home at 4718 Liberty Hall Road, has allowed Lead Horse Technologies, a computer software development company that is still in a "start-up" stage and located in Junction City, to relocate its operations to the home at 4718 Liberty Hall Road. Mr. Yearout informed both Lead Horse Technologies and Munson Angus Farms – Black Horse Hitch, LLC, this action constituted conversion of the building from a residential use to a commercial use and that the property would have to be rezoned under the terms of the Geary County Zoning Regulations. Mr. Yearout stated he had an extensive discussion on this matter with Mr. and Mrs. Munson, who did not agree with the interpretation. A letter was sent to Mr. and Mrs. Munson on April 19, 2010, stated the decision and noting the option to appeal. Mr. and Mrs. Munson notified the office of the intent to appeal, which leads to this hearing.

Mr. Yearout stated the basis for the disagreement was the belief by Mr. and Mrs. Munson that the use of the building by Lead Horse Technologies constituted an "agricultural" operation because it was part of the overall "agritourism" business at the Munson Angus Farms – Black Horse Hitch, LLC, facility. Mr. Yearout stated he had researched every aspect of "agritourism" as envisioned with both Kansas law and how other operations exist and promote themselves, and could come to no rational connection between using a building for computer software development and agriculture. As such, the final decision was that the use is commercial and not agricultural. Under the terms of the Geary County Zoning Regulations, the only available action to make the use conform to the zoning is for the property to be rezoned. The most restrictive commercial zoning for this use is "CN" Neighborhood Commercial, which permits "business and professional offices." It is the opinion of the Zoning Administrator that this use must be zoned at least to this category to be in conformance with the Zoning Regulations.

Mrs. Deanna Munson addressed the Board and stated she was very confident the use of the building by Lead Horse Technologies was within the agritourism operation and that no commercial rezoning of the property was necessary. She also stated Lead Horse Technologies would only be at this location on a temporary basis because a new building is to be built within the Tom Neal Business Park in Junction City. Mrs. Munson also went on to state she believed that any use of any building on the farm should be considered as agricultural since it provided an income to the owners, which allowed them to remain on the farm. Further, she stated that once Lead Horse Technologies left, the intention is for her daughter's software company to locate an office in the same building.

John Armstrong, Chairman and CEO of Lead Horse Technologies, Inc., spoke to the benefit of his firm being located in this building. He stated Lead Horse Technologies is still in the "start-up" phase of its operations, but that product development has reached the point where it was expected to produce income in the very near future. The company still plans to occupy a building that will be built by the City of Junction City in the Tom Neal Business Park in the near future, which will mean they will leave this building. As such, it is considered a temporary situation.

Chuck Munson spoke to the desire to retain Lead Horse Technologies at this location in order to continue to showcase the ability to expand the agricultural operation as Munson Angus Farms. He echoed the comments from Deanna Munson that this was a "perfect fit" for the desire to find a use for the old farm home and still retain the agricultural heritage of the property. He stated the idea of operating a bed and breakfast has been discussed, but this is a much less intensive operation. As the landowners and managers, he stated they had no problem with this operation. He said the desire was to retain the agricultural zoning and not allow the area to become a "commercial" area; which is why he does not want to see the property zoned commercial.

Chairman Steinfort called for other comments from the public. Being none, the Chairman declared the public hearing closed and opened the meeting for questions or comments from the Board.

Chairman Steinfort stated he had questions for the applicants. He directed his first question to John Armstrong with Lead Horse Technologies, inquiring why the company moved? Mr. Armstrong stated it was to reduce the costs to the company.

Chairman Steinfort then asked Mr. Armstrong why the company had placed a sign on the property? Mr. Armstrong stated it was to provide identity for Lead Horse Technologies, which allows the company to attract “partners” for its continued effort to grow.

Chairman Steinfort then asked Mr. Armstrong why the company chose to locate in the dwelling at “Liberty Hall”, rather than in his own home? Mr. Armstrong stated the company needed a presence as a business and having the operation within his home was not conducive to business development.

Commissioner Gustafson asked Mr. Armstrong if, in his opinion, the operation of Lead Horse Technologies as a software development company was “agritourism?” Mr. Armstrong stated he believed it was because the business was connected to an agricultural pursuit.

Commissioner Gustafson asked Mrs. Munson if it is still the intent for her daughter’s software company to locate to this property? Mrs. Munson said yes.

Mrs. Munson then noted that electrical improvements had been made to “Liberty Hall” in order to accommodate Lead Horse Technologies because the electrical demands were greater than what was needed for the residence.

Ramie Leibnitz, President of Lead Horse Technologies, stated the company was committed to the Junction City community and was only trying to position itself in order to grow. It Lead Horse Technologies wants to grow, which will promote additional growth within the community.

Several members of the Board of Zoning Appeals stated they were supportive of Lead Horse Technologies as a company and wished to do what can be done to assist in the success of the company. Likewise, there was support of the efforts of Munson Angus Farms – Black Horse Hitch, LLC, to promote the agricultural activities and the agritourism aspect of that business. However, there was a strong feeling among the members that the use of the “Liberty Hall” building as the location for Lead Horse Technologies was not an agricultural pursuit.

Mrs. Munson indicated the desire from the beginning was to avoid having the property zoned for commercial uses because they do not wish to set a precedent for the area for that type of activity.

Mr. Yearout noted the original discussion with the Munson’s had included the potential of seeking an amendment to the Zoning Regulations to deal with these types of development as either a Conditional Use Permit or a Special Use Permit, which would allow the underlying zoning of Agriculture to remain. At that time the Munson’s stated they were not interested in that option because of their insistence the use of the “Liberty Hall” structure by Lead Horse Technologies is an “agritourism” and agricultural use. That is why an appeal of the original decision was taken.

Mr. Yearout was asked by the Board whether that course of action was still an option. Mr. Yearout stated it was, but the motion to start the public hearing process would have to be made as the Metropolitan Planning Commission and not by the Board of Zoning Appeals.

Commissioner Ryan moved to continue Case No. AP-07-01-10, the request filed by Deanna Munson, agent, for Munson Angus Farms - Black Horse Hitch, LLC, appealing the decision of the Zoning Administrator concerning the use of the property at 4718 Liberty Hall Road, until the next meeting. The motion was seconded by Commissioner Gustafson and it passed unanimously.

**Item No. 2 – Case No. BZACU-07-01-10 – Public Hearing on request for a Conditional Use Permit to allow the operation of a concrete batch plant.**

Chairman Steinfort opened the public hearing on the application of Matt Eichman, agent for Midwest Concrete Materials, requesting a Conditional Use Permit to operate a concrete batch plant on property just north of Junction City on the northeast side of Highway 57.

Mr. Yearout reviewed the staff report and stated the applicant had acquired a tract of land just off Highway 57 north of Junction City and was requesting authorization to establish a concrete batch plant. There already was a plant in the area and this would add a second operator. There were no objections to this from surrounding property owners and the facility would use the existing entrance to the Highway, which meant there would be no real changes to the traffic patterns.

Mr. Matt Eichman spoke on behalf of Midwest Concrete Materials and stated the intention is to move a batch plant to this site in order to better serve the operations at Fort Riley. This would be a site enabling Midwest Concrete Materials to enhance its ability to serve the area as well. Mr. Eichman indicated he was in agreement with all the comments in the staff report.

Having no further questions of the applicant or staff from the Board, Chairman Steinfort opened the public hearing for comments or questions from the public. Hearing none, Chairman Steinfort closed the public hearing and asked for comments or a motion from the Board.

Commissioner Moyer moved to approve the Case No. BZACU-07-01-10, the application of Matt Eichman, agent for Midwest Concrete Materials, requesting a Conditional Use Permit to operate a concrete batch plant on property just north of Junction City on the northeast side of Highway 57. Commissioner Ryan seconded the motion and it carried unanimously.

**Item No. 3 – Case No. BZAV 07-01-10 – Public Hearing on request for a Variance in the side building setback requirements at 404 West 13th Street, Junction City, Kansas.**

Chairman Steinfort opened the public hearing on the application of Daniel Pfizenmaier, Director, Self-Help Housing, and agent for Jacqueline M. Mintz, owner, requesting a variance to decrease the side building setback requirements for the property located at 404 West 13th Street, Junction City, Kansas.



Mr. Yearout reviewed the staff report and it was noted the property address for the property was on 13<sup>th</sup> Street, which is how the legal notice identified the case. The agenda and staff report stated 14<sup>th</sup> Street, which is wrong.

Mr. Yearout stated this lot is too large to qualify for relief under the provisions of the Zoning Regulations because it has more than the minimum of 50 feet of frontage. As such, a variance was necessary to allow a home to be built on the property. The property is being acquired under the Self Help Housing program and in order for a home to be constructed on the lot the side yard setbacks were necessary. Mr. Yearout noted several other properties within the City had received this type of relief because of the stated requirements of the Zoning Regulations in the City which imposed a full front yard setback of 25 feet along every street frontage. If imposed here, the lot would be virtually unbuildable. Staff is recommending approval of the variance as requested, which would provide a setback of 10.8 feet along the street side yard frontage and in interior side yard setback of 5 feet.

Daniel Pfizenmaier, Director of Self Help Housing and the agent for this request, noted the information provided by the staff was correct. Other variances of a similar nature had been granted and this would be consistent with those requests.

Chairman Steinfort opened the public hearing for comments from the public.

Kenneth Poe, 414 West 13<sup>th</sup> Street, stated he owned the vacant lot between his home and this property. He was concerned with the setback and whether it would encroach onto his property or harm his fence.

Both Mr. Yearout and Mr. Pfizenmaier responded there would continue to be a setback of 5 feet from his property line, so his fence would not be harmed. Mr. Pfizenmaier noted he was happy to finally talk to that property owner and provided information on how to contact him during the construction phase. Mr. Poe indicated he was happy with the information.

Chairman Steinfort asked for other comments from the public. Hearing none the public hearing was declared closed and Chairman Steinfort asked for comments or a motion from the Board.

Commissioner Gustafson moved to approve the variance as requested by Daniel Pfizenmaier, Director, Self-Help Housing, and agent for Jacqueline M. Mintz, owner, requesting a variance to decrease the side building setback requirements for the property located at 404 West 13th Street, Junction City, Kansas; granting the relief as requested in the application. Commissioner Moyer seconded the motion and it carried unanimously.

## **ADJOURN AS BOARD OF ZONING APPEALS**

Commissioner Dibben moved the Board of Zoning Appeals adjourn and reconvene as the Metropolitan Planning Commission. Commissioner Moyer seconded the motion and it carried unanimously.

## **RECONVENE AS METROPOLITAN PLANNING COMMISSION**

### **5. GENERAL DISCUSSION**

Several Commission members requested confirmation again regarding the process to set a public hearing to consider a text amendment to the County Zoning Regulations in order to address the issue under the appeal by the Munson's. Mr. Yearout noted a motion by the Commission was necessary to call a public hearing and it should indicate the nature of the change.

Following general discussion, Commissioner Gustafson moved to set a public hearing for the August meeting to consider a text amendment to the Geary County Zoning Regulations establishing a Special Use Permit process for the establishment of a commercial office operation in an Agricultural district. Commissioner Moyer seconded the motion and it carried unanimously.

Several members of the Metropolitan Planning Commission noted they would be unavailable at the time of the next regularly scheduled MPC meeting because of vacations. It was suggested that the August meeting be moved to the third Thursday and the scheduled work session on the update to the County Zoning Regulations be cancelled for August. Commissioner Gustafson moved to change the August meeting to August 19. The motion was seconded by Commissioner Dibben and it passed unanimously.

Mr. Yearout reminded the Metropolitan Planning Commission of the Work Session on the update to the Geary County Zoning and Subdivision Regulations next week.

### **6. ADJOURNMENT**

Commissioner Moyer moved to adjourn at 9:55 p.m. Commissioner Ryan seconded the motion and it carried unanimously.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

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**Mike Steinfort, Chairman**

**ATTEST:**

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**David L. Yearout, AICP, Secretary**

**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**

**August 19, 2010  
7:00 p.m.**

**Members Present**

Brandon Dibben  
Maureen Gustafson  
Ken Mortensen  
Mike Ryan  
Mike Steinfort  
Rick Ziegler

**Members Absent**

John Moyer

**Staff**

David Yearout  
Shari Lenhart

**1. CALL TO ORDER AND ROLL CALL**

Chairman Mike Steinfort called the meeting to order at 7:00 p.m and noted a quorum present.

**2. APPROVAL OF MINUTES**

Commissioner Gustafson moved to approve the minutes of the July 8, 2010, meeting as written. Commissioner Ryan seconded the motion and it passed unanimously.

**3. ELECTION OF OFFICERS**

Chairman Steinfort opened the floor for nominations for Chairman for this term. Commissioner Gustafson moved to retain the slate of officers for the Metropolitan Planning Commission as it exists, with Mike Steinfort, Chairman, Maureen Gustafson, Vice-Chairman, and David Yearout, Secretary. Commissioner Ziegler seconded the motion and it passed unanimously.

**4. OLD BUSINESS**

**Item No. 1 – Case No. Z-07-01-10 – Public Hearing on request of Justin Hoover, President, Hoover, Bachman & Associates, Inc., to rezone property at 416 West Spruce, Junction City, Kansas, from “RD” to “PDD”.**

Chairman Steinfort called the reconvened public hearing to order on the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, owner, to rezone property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District. It was noted that Mr. Justin Hoover and Mr. Leon Osbourn were present.

Mr. Yearout noted that a copy of the revised site plan was made available for review at this meeting by Mr. Osbourn. He indicated the plan has incorporated suggested changes requested by the Commissioners at the last meeting. The list of proposed uses has been cleaned up better; however, some additional modifications could be made that would allow more flexibility and provide easier administrative overview as uses might change in the future. Mr. Yearout noted the proposed exterior lighting still needs to be addressed in the documentation for the development. Mr. Yearout said a video was taken of the sanitary sewers under this property which showed the service line from the single-family home under the east wing of the facility. The plan is to abandon that line during the time of renovation and connect the home to the sewer main in the alley to the east of the property in an easement provided for utility services.

Mr. Yearout stated staff still had not seen restrictive covenants for the property. The Zoning Regulations require the covenants to address maintenance of common areas and other joint amenities being provided and the covenants will need to do that.

Mr. Yearout stated that, irrespective of these issues, staff believes all the relevant issues have been addressed or will be accounted for in the balance of the documents to be submitted. As such, staff is recommending approval to move this project forward, recognizing the replat approval will also address certain issues of concern.

Commissioner Ziegler asked if everything has been taken care of in the rezoning. Mr. Yearout stated he believed it has been. Mr. Yearout noted there needs to be a separate document for the covenants. but everything else has been addressed that has been talked about.

Chairman Steinfort asked if there was anyone present wishing to speak on this application.

Mr. Leon Osbourn, Kaw Valley Engineering, stated that all of the Commissioners requests have been incorporated into the final development plans. Exterior lighting will be submitted to the City prior to installation. They will make sure that the light will not bleed onto the neighbors; the foot-candle requirements will be met. The issue of the common open space will be taken care of the Restrictive Covenants. He stated they have shown how the sewer can be rerouted, including the calculation of a general slope of 1-2% for the service line from the house, which is more than adequate for a new sewer line.

There being no more comments, Chairman Steinfort closed the public hearing and opened the discussion to the Commission for questions or a motion.

Commissioner Gustafson moved to recommend to the City Commission that the rezoning request for the property at 416 West Spruce, Junction City, Kansas, from "RD" Residential Duplex to "PDD" Planned Development District be approved for a mixed-use facility, as modified, based on reasons stated in the staff report and information presented at the public hearings, and subject to submission of the restrictive covenants addressing the issues identified at the meetings and in the staff reports. Commissioner Mortensen seconded the motion and it carried unanimously.

**Item No. 2 – Case No. FP 07-01-10 – Final Plat of the Ziegler Planned Development District.**

Chairman Steinfort opened the floor for consideration of the Final Plat of the Ziegler Addition.

Mr. Yearout stated that the revised final plat submitted by the applicant shows the 20-foot utility easement between from the alley on the east side of the property to Lot 2 that was requested by Westar for access to the single family residence. This is also the easement to be used to install the new sanitary sewer service line from the house to the sewer main in the alley. Mr. Yearout also noted the proper acknowledgement of the book and page recording of the vacation of the alley is properly shown on the plat. Staff is recommending the final plat be approved.

Chairman Steinfort asked if there was anyone present wishing to address this application. There were no appearances. There being no questions or discussion, Chairman Steinfort asked for a motion.

Commissioner Ryan moved to recommend that Case No. FP-07-01-10, application of Kaw Valley Engineering, agent; on behalf of Justin Hoover, President; Hoover, Bachman & Associates, Inc., owner; for approval of the Ziegler Addition, a replat of the property at 416 West Spruce, Junction City, Kansas, be approved, subject to all corrections recommended by the City Engineer; and the Chairman and Secretary be authorized to sign the plat and forward it to the City Commission for final approval. Commissioner Ziegler seconded the motion and it carried unanimously.

**5. NEW BUSINESS**

**Item No. 1 – Case No. TA 08-01-10 – Public Hearing on text amendment to the Geary County Zoning Regulations concerning zoning action required for commercial office uses within the unincorporated portion of Geary County.**

Chairman Steinfort called the public hearing to order on the proposed text amendment to the Geary County Zoning Regulations.

Mr. Yearout briefly reviewed the history of issued that resulted in this case. The matter arose from the appeal being considered concerning the determination that commercial zoning is the only recourse to establish a commercial office use in the agricultural areas in the County. At the direction of the MPC, staff has drafted proposed text amendments to the Geary County Zoning Regulations to allow business and professional offices, which will include technical development businesses, as a Special Use Permit in the Agricultural District, rather than require the change in zoning to a commercial district. The suggested text changes are completely outlined in the staff report. Mr. Yearout noted staff had concluded the Special Use Permit procedure, as currently used in the Geary County Zoning Regulations, was the best approach to an action that results in a change in land use, rather than rely on the Conditional Use Permit that is considered only by the Board of Zoning Appeals.

Chairman Steinfort opened the public hearing for discussion from the public. Hearing none, discussion among the MPC members ensued on the pros and cons of expanding this text change to all commercial and industrial uses in the current Geary County Zoning Regulations. Mr. Yearout noted staff had published so that this change could include a broader range or all of the commercial and industrial uses, but staff believed it was better to address those changes in the rewrite of the entire County Zoning Regulations now being prepared by the MPC. It was the consensus of the Commissioners to just deal with this particular issue now.

There being no further discussion Chairman Steinfort asked for a motion.

Commissioner Mortensen moved that the proposed amendments to the Geary County Zoning Regulations concerning adding business and professional offices by Special Use Permit only in the Agricultural District within the unincorporated portion of Geary County be recommended for adoption by the Board of County Commissioners of Geary County. Commissioner Ziegler seconded the motion and it carried unanimously.

## **RECESS AS METROPOLITAN PLANNING COMMISSION**

Commissioner Ryan moved to recess as the Metropolitan Planning Commission and convene as the Board of Zoning Appeals. Commissioner Ziegler seconded the motion and it carried unanimously.

## **CONVENE AS BOARD OF ZONING APPEALS**

### **1. ELECTION OF OFFICERS**

Chairman Steinfort opened the floor for nominations for officers for the Board of Zoning Appeals. Commissioner Gustafson moved to retain the current slate of officers, namely Mike Steinfort, Chairman, Maureen Gustafson, Vice-Chairman, and David Yearout, Secretary. Commissioner Ryan seconded the motion and it carried unanimously.

### **2. OLD BUSINESS**

**Item No. 1 – Case No. BZACU 06-02-10 – Public Hearing on request for a Conditional Use Permit to allow a Day Care Home at 109 Arapahoe Court, Junction City, Kansas.**

Chairman Steinfort called the continued public hearing to order on the application of Renee A. Taggart, owner, for a Conditional Use Permit to allow the operation of a Licensed Day Care Home for not more than 10 children at 109 Arapahoe Court, Junction City, Kansas.

Mr. Yearout stated that if the proposed amendments to the zoning ordinance relating to day cares is approved, this application will be moot. That item is scheduled to be considered at the end of this meeting. He recommended the public hearing be continued to at least October 14, 2010, since that is the earliest a public hearing on the text amendments can be held. There were no other appearances on this matter.

Commissioner Gustafson moved to continue the public hearing on this case to the October 14th meeting. Commissioner Ryan seconded the motion and it carried unanimously.

**Item No. 2 – Case No. BZAAP-07-01-10 – Public Hearing on appeal of decision by the Junction City/Geary County Planning and Zoning Director.**

Chairman Steinfort reconvened the public hearing on the appeal of the decision by the Zoning Administrator concerning the property located at 4718 Liberty Hall Road that said property is being used as commercial property, filed by Deanna Munson, agent, for Munson Angus Farms - Black Horse Hitch, LLC.

Mr. Yearout stated he believed the case should be acted upon in order to close the file. In essence, there are three alternatives before the Board on this matter. It may chose to deny the appeal and uphold the decision of the Zoning Administrator. It may chose to overturn the decision of the Zoning Administrator and allow the use to continue under the Agricultural Zoning designation. Or it may continue the matter until the text amendment is finalized by the County Commission and an application for a Special Use Permit would be granted, assuming that is what happens. Mr. Yearout stated he still believes the decision under the current language of the Geary County Zoning Regulations is correct and the proposed amendment is the best method to deal with this type of development.

Mr. Yearout provided a review of the time frame to complete the text amendment and stated the earliest a public hearing could be scheduled for a Special Use Permit would be at the October 14th meeting.

Chairman Steinfort asked if there was anyone present wishing to speak on this application.

Deanna Munson, 4820 Liberty Hall Road, indicated that rezoning the property definitely was not an option in her opinion. The area needs to remain zoned as agricultural. They are agreeable to applying for a Special Use Permit when that option is available.

John Armstrong, 2703 Valley Drive, thanked the board for addressing their concerns and also hopes the text amendment will be approved by the County Commission. He agreed that the Special Use Permit appropriately addressed the issue.

There being no further appearances, Chairman Steinfort closed the public hearing and asked if there were any further questions or comments from the Board. There being none, he asked for a motion.

Commissioner Gustafson moved that Case No. BZAAP 07-01-10, the request of Chuck and Deanna Munson, agents for Munson Angus Farms-Black Horse Hitch, LLC, and Michelle Munson, owners, appealing the decision of the Zoning Administrator concerning the use of the home at 4718 Liberty Hall Road by Lead Horse Technologies as its main business office, be denied based on the findings outlined in the staff report and as presented at the public hearing. Commissioner Dibben seconded the motion.

Commissioner Gustafson stated she wished to convey this was neither a reflection of error on the part of Lead Horse Technologies, nor on Munson Angus Farms; but she felt the use in question was clearly a commercial activity that required the rezoning under the current Zoning Regulations. As such, the decision of the Zoning Administrator to require the rezoning was the only choice that could be made. There was no factual basis for a determination that use could be found as a permitted use in the Agricultural District or as an agricultural use.

Thereupon, the Board passed the motion unanimously.

### **3. NEW BUSINESS**

#### **Item No. 1 – Case No. BZACU -08-01-10 – Public Hearing on request for a Conditional Use Permit to allow the operation of a concrete batch plant.**

Chairman Steinfort called the public hearing to order on the request of Jon Penny, agent, for Penny Concrete, Inc., for a conditional use permit to operate a concrete batch plant.

Mr. Yearout informed the Board that the applicant has requested a continuance to the next meeting in order to more fully prepare the site plan for the proposed facility.

Commissioner Gustafson moved to continue this case to the September, 2010, meeting as requested by the applicant. Commissioner Ryan seconded the motion and it carried unanimously.

### **ADJOURN AS BOARD OF ZONING APPEALS**

Commissioner Mortensen moved to adjourn as the Board of Zoning Appeals and reconvene as the Metropolitan Planning Commission. Commissioner Dibben seconded the motion and it carried unanimously.

### **RECONVENE AS METROPOLITAN PLANNING COMMISSION**

### **6. GENERAL DISCUSSION**

#### **Item No. 1 – Set public hearing for amendments for Day Care Homes.**

Mr. Yearout stated the history of the need for the text amendments has been heavily discussed by the MPC. A motion must be made to set the public hearing, which can not happen earlier than the October meeting because of the timing for publications. All the issues associated with the text amendments have been researched with attorneys for both the City and County and staff is recommending to move forward. That actual text will be made available, which will be modifications to the language acted upon earlier this year.

Commissioner Mortensen moved to schedule a public hearing regarding amendments to the Zoning Regulations for both the City and County dealing with changes for Day Care Homes for the October, 2010, meeting. Commissioner Gustafson seconded the motion and it carried unanimously.



**7. ADJOURNMENT**

Commissioner Gustafson moved to adjourn at 7:58 p.m. Commissioner Mortensen seconded the motion and it carried unanimously.

**PASSED AND APPROVED THIS \_\_\_\_\_ day of September, 2010.**

\_\_\_\_\_  
**Mike Steinfort, Chairman**

**ATTEST:**

\_\_\_\_\_  
**David L. Yearout, AICP, Secretary**

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# City of Junction City

## City Commission

### Agenda Memo

October 12, 2010

**From:** David L. Yearout, AICP, Director of Planning and Zoning  
**To:** City Commission & Gerry Vernon, City Manager  
**Subject:** Final Plat – Ziegler Addition, a Replat of the former Good Samaritan Property

**Issue:** Consideration of approval of the Final Plat of the Ziegler Addition, a replat of the former Good Samaritan property generally located between Walnut Street on the north, Spruce Street on the south, Adams Street on the east and Jackson Street on the west.

**Explanation of Issue:** This is the request of Kaw Valley Engineering, agent, on behalf of Hoover, Bachman & Associates, owners, for the replat of the former Good Samaritan property which covers a number of lots in the Sanderson's Replat to the City of Junction City. The property is being zoned to "PDD" Planned Development District to accommodate the mixed-use redevelopment of the property, including the separation of the single-family home facing Walnut from the balance of the facility. The changes requested by the utilities serving the properties have been made to accommodate proper redevelopment of the property.

The Metropolitan Planning Commission first considered this request at its July 8, 2010, meeting and continued the case until confirmation could be obtained concerning issues with easements and the vacated alley. At its regular meeting on August 19, 2010, the MPC, by unanimous vote of the members present, approved the Final Plat of the Ziegler Addition to the City of Junction City, Kansas. Copies of the staff reports are attached.

**Alternatives:** In accordance with K.S.A. 12-752, for the Final Plat to be approved for recording with the Register of Deeds the City Commission must approve the plat, thereby accepting the dedications granted thereon.

**Staff Recommendation:** Approve the Final Plat and authorize the Mayor and City Clerk to sign accordingly.

**Suggested Motion:**

Commissioner \_\_\_\_\_ moved that the Final Plat of the Ziegler Addition to the City of Junction City, Geary County, Kansas, be approved, the Mayor and City Clerk be authorized to sign the plat accepting the dedications thereon.

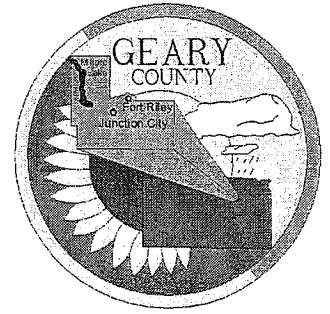
Commissioner \_\_\_\_\_ seconded the motion.

**Enclosures:**

Copy of Minutes of the July 8, 2010, and August 19, 2010, MPC Meetings  
Copies of Staff Reports  
Copy of Final Plat approved by MPC



**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**



**STAFF REPORT**

July 6, 2010

**TO:** Metropolitan Planning Commission / Board of Zoning Appeals

**FM:** David L. Yearout, AICP, Director of Planning and Zoning

**SUBJECT:** FP-07-01-10 – Request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, for approval of the Ziegler Addition, a replat of the property at 416 West Spruce, Junction City, Kansas.

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This is the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, for approval of the Ziegler Addition, a replat of the property at 416 West Spruce, Junction City, Kansas. This is the former Good Samaritan facility that is located between Walnut Street on the north and Spruce Street on the south, and is generally in the middle of the block between Madison Street on the east and Jackson Street on the west, and which is included in the rezoning to “PDD” Planned Development District heard in Case No. Z-07-01-10.

The property was originally included in the Sanderson’s Addition, which was platted prior to 1919, but the copy of the plat attached to this report shows it was redrawn for record purposes at that time. The property was laid out in the standard grid system typical of the balance of the older part of the City, with the Block 7 being 300 feet north and south and 543 feet 6 inches east and west. There was a 20-foot alley that ran through the middle of the block in an east/west direction, with 6 lots fronting Madison Street on the east and all other lots in the block fronting either Walnut Street on the north or Spruce Street on the south.

This property was granted to Good Samaritan in order to construct the nursing home, which operated until last fall. Under the terms of the grant, once Good Samaritan closed the facility, the property reverted to the heirs of the original owner, which was the Ziegler family. The property was subsequently purchased by Hoover, Bachman & Associates, Inc., earlier this year and the new proposed use is subject to the rezoning considered in Case No. Z-07-01-10. This plat is intended to replat the property in conformance with the intent of the rezoning and to allow the property to be divided in the manner proposed therein.

The most significant issue that needs to be addressed is the vacation of the alley in 1986 by the City, with the retention of the vacated alley as an easement for the sanitary sewer service that existed then and continues to exist today. The plat indicates no records could be found, but staff found the vacation petition and vacation order in the Register of Deeds Office. Proper citation of the vacation document needs to be shown on the plat.

Subsequently, or perhaps previously, the nursing home facility was constructed over the sewer line. This sewer line serves a much larger area of the City than just the nursing home property. While this is not unheard of, it does present problems if maintenance is needed on the sewer main. Records at the City indicate this sewer line may have been constructed prior to 1910, which may mean that major maintenance will become an issue in the future. Veolia is investigating the current condition of this sewer line and staff hopes to have more information available at the meeting.

The plat itself continues to show the vacated alley as an easement. However, staff recommends additional documentation be recorded indicating the manner in which costs will be covered in the event repairs or replacement of the sewer line is necessary. Staff is recommending documentation be added stating the costs of repair to the sewer line is the responsibility of the City, but any repairs or replacement to any other improvements covering the line be borne by the owner and the City be held harmless for those costs.

Another issue is the manner in which the single-family home is being split from the balance of the property. The lot does not touch the easement or alley at any point and there are utility services that come from the alley/easement. There will need to be an easement shown in some fashion to provide a route for service to be provided. This is a request of Westar for electric service, as well as for telephone service; and it will also need to address the sewer service. No indication is given as to the location of the sewer service line from the house to the alley/easement, which will be required in order to protect the ability of the single-family home to be served by sewer service.

In conjunction with the above need, it is recommended that Lot 2, which is the single-family home, be granted the 56-foot wide land adjacent to its southern border that connects with the alley. This would allow an easement on a common lot line to serve the balance of Lot 2. Additionally, given how the land exists, it appears to make more sense for that land to be connected to Lot 2 rather than Lot 1.

There will need to be some language additions to the Owner's Certificate covering some of the items listed above, as well as changes on the text regarding the reference to the vacation of the alley and the clarification regarding sewer line maintenance and repairs. As such, staff believes the plat needs to be redrawn before final approval is granted.

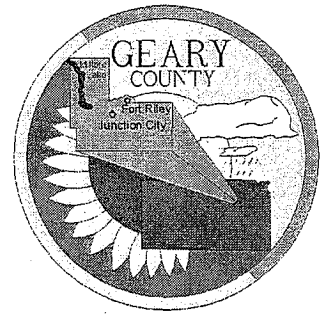
**Staff Recommendation:** Staff recommends the Final Plat of the Ziegler Addition, a replat of the property previously owned by Good Samaritan, be continued to the August, 2010, meeting in order to make modifications reflecting the changes noted herein.

**Suggested Motion:**

I move that Case No. FP-07-01-10, the application of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, for approval of the Ziegler Addition, a replat of the property at 416 West Spruce, Junction City, Kansas, be continued to the August, 2010, meeting.



**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**



**STAFF REPORT**

August 17, 2010

**TO:** Metropolitan Planning Commission / Board of Zoning Appeals

**FM:** David L. Yearout, AICP, Director of Planning and Zoning

**SUBJECT:** FP-07-01-10 – Request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, for approval of the Ziegler Addition, a replat of the property at 416 West Spruce, Junction City, Kansas.

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This is the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, for approval of the Ziegler Addition, a replat of the property at 416 West Spruce, Junction City, Kansas. This is the former Good Samaritan facility that is located between Walnut Street on the north and Spruce Street on the south, and is generally in the middle of the block between Madison Street on the east and Jackson Street on the west, and which is included in the rezoning to “PDD” Planned Development District heard in Case No. Z-07-01-10. Like the rezoning case, the consideration of the final plat was continued from the July meeting in order to address the modifications requested.

At the meeting last month the applicant addressed to issue raised by staff concerning the portion of proposed Lot 1 that is along the north side of the alley on the east side of the plat. Staff had recommended it be attached to Lot 2 in order to give access to the alley and the utility services that come from that alley. The applicant indicated a desire to retain that area for potential future employee parking. The MPC generally agreed to this use, therefore the area in question remains attached to Lot 1. However, that results in the need for an easement for utility services to Lot 2 from the alley. The revised Final Plat shows that easement, which meets the needs of the utility service providers to have access to Lot 2. The easement is shown in an area that makes the most sense from a service standpoint, although it otherwise appears to be placed in the wrong location. Staff believes the easement as shown is fine and recommends it be accepted.

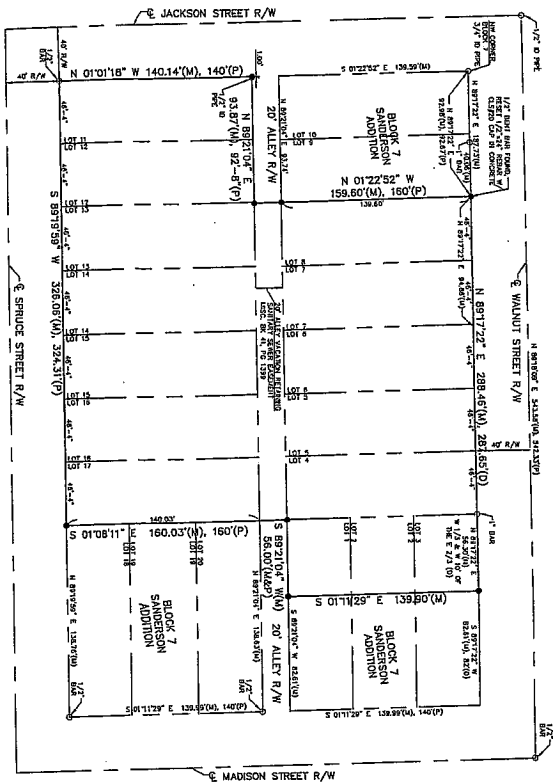
The only remaining issue is the change of language governing the uses within the vacated alley that is now a utility easement and is covered by the buildings on the property. As noted last month, the sanitary sewer main is in this easement and under the existing buildings. A note has been added to the plat indicating the City is responsible for maintenance of the sanitary sewers in this easement, including under the buildings, and will bear costs associated therewith. However, any costs due to damage to other improvements in the easement are the owners exclusively. The City Engineer is reviewing the language for acceptance and that information will be provided at the meeting.

All other changes to the final plat document have been made, including the proper notation of the recording of the documents to vacate the alley. Subject to confirmation from the City Engineer of the language noted above, staff believes the Final Plat conforms to the requirements of the City Subdivision Regulations and the spirit and intent of the approval connected to the Planned Development District rezoning.

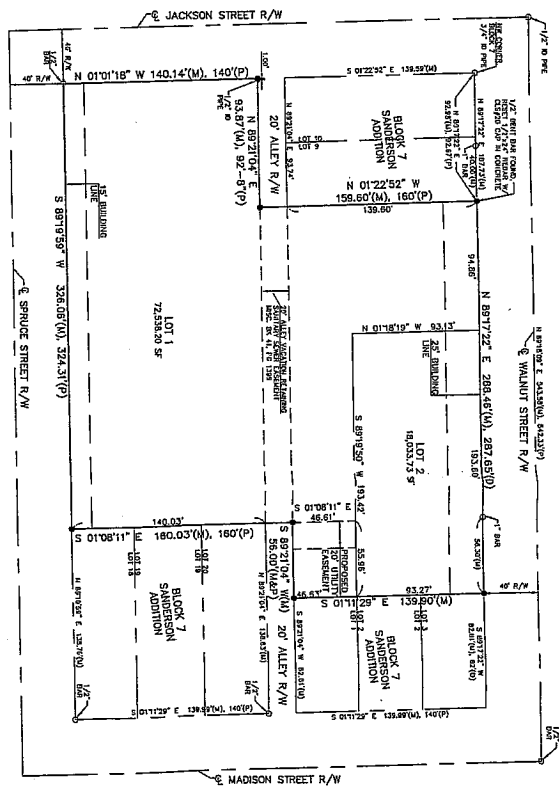
**Staff Recommendation:** Staff recommends the Final Plat of the Ziegler Addition, a replat of the property previously owned by Good Samaritan, be approved, subject to acceptance of the language concerning the sanitary sewers in the vacated alley; and the Chairman and Secretary be authorized to sign the plat and it be forwarded to the City Commission for final approval.

**Suggested Motion:**

I move that Case No. FP-07-01-10, the application of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, Inc., owner, for approval of the Ziegler Addition, a replat of the property at 416 West Spruce, Junction City, Kansas, be approved, subject to all corrections recommended by the City Engineer, and the Chairman and Secretary be authorized to sign the plat and forward it to the City Commission for final approval.



ORIGINAL

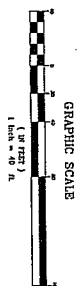


REPLAT

# RECORD LEGAL DESCRIPTION.

TRACT I  
THE WEST ONE-HALF (1/2) AND THE WEST THREE-FOURTHS (3/4) OF LOT ONE (1), TWO (2) AND THREE (3),  
BLOCK SEVEN (7), SANDERSON ADDITION TO JUNCTION CITY, GRANT COUNTY, KANSAS.  
TRACT II  
THE WEST ONE-HALF (1/2) AND THE EAST ONE-HALF (E 1/2) OF LOT SEVEN (7) AND LOT THIRTEEN (13), FIFTEEN (15),  
SEVENTEEN (17), AND SEVENTEEN (17), ALL IN BLOCK SEVEN (7), SANDERSON ADDITION TO JUNCTION CITY, GRANT COUNTY, KANSAS.  
TRACT III  
THE WEST ONE-HALF (1/2) OF LOT SEVEN (7) AND ALL OF LOT EIGHT (8), BLOCK SEVEN (7), SANDERSON ADDITION TO JUNCTION CITY,  
GRANT COUNTY, KANSAS.  
TRACT IV  
LOTS EIGHT (11) AND TWELVE (12), BLOCK SEVEN (7), SANDERSON ADDITION TO JUNCTION CITY, GRANT COUNTY, KANSAS.  
ADDITIONAL PROPERTY DESCRIPTION.  
ALL OF THE VACATED 20' ALLEY ADJACENT TO LOTS 4, 5, 6, 7, 8 AND LOTS 13, 14, 15, 16, 17, BLOCK 7, SANDERSON ADDITION TO JUNCTION  
CITY, GRANT COUNTY, KANSAS.  
BASIS OF BEARINGS:  
THE BEARINGS OF N 89°19'59" E ON THE NORTH LINE OF BLOCK 7, SANDERSON ADDITION TO THE CITY OF JUNCTION CITY, GRANT COUNTY,  
KANSAS.

- LEGEND
- UNDEVELOPED FIELDS, OPEN UNIMPROVED
  - 1/2" x 1/2" REBAR W/20' x 20' SET
  - (P) PLATTED
  - (M) MEASURED
  - (D) DESCRIBED
- ALL PROPERTY BOUNDARY CORNERS  
SHOWN BY IRON PIPES OR IRON NAILS  
PER KANSAS SURVEY STATUTES.



## FINAL PLAT ZIEGLER PLANNED DEVELOPMENT DISTRICT ADDITION

TO  
JUNCTION CITY, KANSAS  
KAW VALLEY ENGINEERING, INC.  
2319 NORTH AVENUE - 2ND FLOOR  
JUNCTION CITY, MO 64501  
PHONE: 816-733-5540  
FAX: 816-733-5541

DATE OF PREPARATION: JUNE 11, 2010 PROJECT NO. A10-5074 SHEET 1 OF 2



BY \_\_\_\_\_ CHAIRMAN, MICHAEL STENFORD  
\_\_\_\_\_  
SECRETARY, DAVID L. YEAROU

I HEREBY CERTIFY THAT THE REVIEW OF THIS PLAN OF K.S.A. 58-2005.  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

I DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO UNPAID PROFITED TAXES, AND NO RECEIVABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE PLAT. GIVEN UNDER MY HAND AND SEAL AT JUNCTION CITY, KANSAS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

I DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSIGNMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THE PLAT.  
GIVEN UNDER MY HAND AND SEAL AT JUNCTION CITY, KANSAS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

THE DEDICATIONS SHOWN ON THIS PLAT ARE HEREBY ACCEPTED BY THE CITY COMMISSION  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THE 10 DAY OF NOVEMBER, 2011 AT 11:00 AM AND IS DULY RECORDED IN PLAT BOOK 111 AT PAGE 111

ENTERED ON TRANSFER RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

COUNTY CLERK, REBECCA BOSSHAETER

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF KANSAS, WITH EXPERIENCE AND PROFICIENCY IN LAND SURVEYING. THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED AND SUBDIVIDED BY ME OR UNDER MY DIRECT SUPERVISION, THAT ALL SUBDIVISION REGULATIONS OF THIS PLAT ARE IN ACCORDANCE WITH THE KANSAS SURVEYING ACT, AND THAT THE SURVEYING STANDARDS FOR THIS PLAT ARE IN ACCORDANCE WITH THE KANSAS SURVEYING ACT. THAT ALL THE MONUMENTS SHOWN HEREOF ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GIVEN UNDER MY HAND AND SEAL, AT JUNCTION CITY, KANSAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

DATE OF SURVEY: JAN 11, 2010

[illegible]

BE IT RECORDED THAT ON THIS 20 DAY OF DECEMBER 2016, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, HAD ADRIAN HORTON, PRESIDENT, ADRIAN & ASSOCIATES, INC. COME TO ME PERSONALLY, KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF SAID INSTRUMENT OF WRITING IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

[illegible]

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME \_\_\_\_\_, A SINGLE MAN, WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING TO BE PERSONALLY KNOWN TO ME, THE SAID NOTARY PUBLIC, AND WHO ACKNOWLEDGED THE EXECUTION OF SAID INSTRUMENT WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL, THE DAY AND YEAR ABOVE WRITTEN.

**FINAL PLAT**

**ZIEGLER PLANNED  
DEVELOPMENT DISTRICT ADDITION**

BEING A RE-PLAT OF THE ZIEGLER 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835

7d

# City of Junction City

## City Commission

### Agenda Memo

October 12, 2010

**From:** David L. Yearout, AICP, Director of Planning and Zoning

**To:** City Commission & Gerry Vernon, City Manager

**Subject:** Case No. Z-09-01-10 – Request to rezone the property at the northwest corner of Webster Street and Pine Street from “RG” General Residential to “RD” Duplex Residential – (S-3087)

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**Issue:** Consideration of request to rezone the property at the northwest corner of Webster Street and Pine Street from “RG” General Residential to “RD” Duplex Residential filed by Larry Johnson, agent, on behalf of Sherree Hemmingway, owner.

**Explanation of Issue:** The Metropolitan Planning Commission held a public hearing on September 9, 2010, to consider the petition of Larry Johnson, agent, on behalf of Sherree Hemmingway, owner, to rezone the property at the northwest corner of Webster Street and Pine Street from “RG” General Residential to “RD” Duplex Residential. The purpose of the rezoning is to allow the development of the property for duplexes. Staff recommended denial. By vote of 5 to 1, the MPC has recommended the rezoning be denied. Copies of the staff report and the minutes of the MPC meeting are attached. Upon first reading, the City Commission voted 4 to 1 to overturn the MPC recommendation and approve the rezoning of a smaller area. The applicable ordinance has been changed to reflect that action.

**Alternatives:** In accordance with K.S.A. 12-757, the City Commission has the following alternatives for a rezoning application on first appearance:

1. To accept the recommendation of the MPC and approve the Ordinance, thereby denying the rezoning of the property.
2. Overturn the recommendation of the Planning Commission by a 2/3 majority vote and approve an Ordinance as so modified, thereby rezoning the property.
3. Return the recommendation to the Planning Commission for further consideration, specifying the items, concerns or issues with said recommendation.

**Staff Recommendation:** Staff's recommendation to deny the rezoning stands; however, the action of the City Commission to approve has been done in conformance with statutes.

**Suggested Motion:**

Commissioner \_\_\_\_\_ moved that Ordinance No. S-3087, an ordinance approving the rezoning of the property at the northwest corner of Webster Street and Pine Street, more particularly described as Lots 15, 16, 17 and 18, Block 3; Sheridan Heights Recapitulation Plat to Junction City, Geary County, Kansas, from "RG" General Residential to :RD" Duplex Residential be approved on final reading..

Commissioner \_\_\_\_\_ seconded the motion.

**Enclosures:**

MPC Minutes of September 9, 2010  
Staff Report  
Ordinance S-3087

**ORDINANCE NO. S-3087**

**AN ORDINANCE RELATING TO PROPERTY LOCATED AT THE NORTHWEST CORNER OF WEBSTER STREET AND PINE STREET AND MORE PARTICULARLY DESCRIBED AS LOTS 13, 14, 15, 16, 17 AND 18, BLOCK 3; SHERIDAN HEIGHTS RECAPITULATION PLAT TO JUNCTION CITY, GEARY COUNTY, KANSAS, DENYING THE REZONING OF SAID PROPERTY FROM GENERAL RESIDENTIAL (RG) DISTRICT TO DUPLEX RESIDENTIAL (RD), ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.**

**WHEREAS, the Metropolitan Planning Commission of Junction City and Geary County, after proper notice and public hearing as required by law, has held a public hearing and recommended denial of a rezoning of certain property within the City of Junction City, Kansas; and,**

**WHEREAS, the Governing Body of the City of Junction City, after considering the record of proceedings, has determined it is in the best interests of the City to modify the recommendation of the Metropolitan Planning Commission;**

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:**

**Section 1. That the recommendation of the Metropolitan Planning Commission of denial is modified and overturned as specified herein.**

**Section 2. That the application requesting the rezoning from "RG" General Residential District to "RD" Duplex Residential District of certain property situated within the City of Junction City, Geary County, Kansas, and described as follows:**

**DESCRIPTION:**

**LOTS 15, 16, 17 AND 18, BLOCK 3; SHERIDAN HEIGHTS RECAPITULATION PLAT TO JUNCTION CITY, GEARY COUNTY, KANSAS.**

**Be, and the same is, hereby ordered approved as provided in K.S.A. 12-757.**

**Section 3. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.**

**PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

\_\_\_\_\_  
**MICHAEL RHODES, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**TYLER FICKEN, CITY CLERK**



**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**



**STAFF REPORT**

September 2, 2010

**TO:** Metropolitan Planning Commission / Board of Zoning Appeals

**FM:** David L. Yearout, AICP, Director of Planning and Zoning

**SUBJECT:** Z-09-01-10 – Request to rezone the property at the northwest corner of Webster Street and Pine Street from “RG” General Residential to “RD” Duplex Residential.

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This is the request of Larry Johnson, Cornerstone Realty, LLC, agent, for Sheree L. Hemmingway, owner, to rezone the property at the northwest corner of Webster Street and Pine Street from “RG” General Residential to “RD” Duplex Residential. The is vacant land that appears to have never been developed. It was included in the Sheridan Heights plat approval process that records show was completed in 1950.

According to information obtained by staff, this property was a part of the old “sand pit” area that was a source of sand in the community for decades and remained that way until the Hidden Valley development was approved in 2006. That project included the extension of Clay Street south of Pine Street and had major storm sewer improvements made in order for the area to be developed.

This request is to allow duplexes to be built on some of the lots on this land. Staff has had numerous discussions with more than one group regarding this area and its potential for development. All of those discussions have included the idea of duplexes, but the manner in which those would be built in the area is what constitutes the challenge for this property. There is major sewer and storm sewer lines that cross the frontage of this property on both Pine Street and on parts of Webster Street which are going to be challenges to how the infill development would occur.

Staff has recommended a “PDD” Planned Development District approach to every party that has inquired about this property in order to manage the manner in which the structures would be placed in relationship to the infrastructure. Staff still believes that approach would provide the greatest flexibility to the landowner to redesign the lots and provide the necessary relief on setbacks and other site-related issues to provide the opportunity to develop the land; and it would also provide the City the ability to properly manage the redesign.

The other reason staff has recommended using the “PDD” Planned Development District is because the entire neighborhood in this portion of the City is virtually single-family homes. The

closest multiple-family use is the Planned Development District being established for the former Good Samaritan Center. Otherwise, staff can only find single-family homes in the area, including the new home in the Hidden Valley Addition on Clay Street.

The applicant has chosen to seek a simple "RD" Duplex Residential zoning change in order to allow the duplexes to be built. This request has no requirement to provide any design or site plans that could be used to evaluate how development is proposed to occur. As a result, the only alternative to the City is to assume all the lots will be converted to duplexes in a manner that would meet the minimum requirements of that zoning district.

Doing that, staff believes developing this area without the oversight of a Planned Development District would be more harmful to the neighborhood than helpful to the community as a whole. While it is true there is benefit to have the vacant land developed; there is still the ability to develop single-family homes. The fact the homes were built and are being sold on Clay Street provides sufficient proof there is a market for single-family homes in this portion of the City.

There appears to be sufficient infrastructure to support a rezoning to "RD" Duplex Residential, so it is not a lack of capacity to support the higher density development. It is simply the manner in which the potential to develop this land is being proposed that staff believes is not in the best interests of the City.

**Staff Recommendation:** Staff recommends the request of Larry Johnson, Cornerstone Realty, LLC, agent, for Sheree L. Hemmingway, owner, to rezone the property at the northwest corner of Webster Street and Pine Street from "RG" General Residential to "RD" Duplex Residential be recommended for denial because of the potential poor manner in which the land could be developed for duplexes without the oversight provided by the Planned Development District, especially when dealing with an infill development in an established neighborhood.

**Suggested Motion:**

I move that Case No. Z-09-01-10, concerning the request of Larry Johnson, Cornerstone Realty, LLC, agent, for Sheree L. Hemmingway, owner, to rezone the property at the northwest corner of Webster Street and Pine Street from "RG" General Residential to "RD" Duplex Residential be recommended for denial by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing.

**JUNCTION CITY/GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
BOARD OF ZONING APPEALS**

**September 9, 2010  
7:00 P.M.**

**Members Present**

Brandon Dibben  
Maureen Gustafson  
Ken Mortensen  
John Moyer  
Mike Ryan  
Mike Steinfort

**Members Absent**

Rick Ziegler

**Staff**

David Yearout  
Shari Lenhart

**1. CALL TO ORDER AND ROLL CALL**

Chairman Mike Steinfort called the meeting to order at 7:00 p.m. and noted a quorum present.

**2. APPROVAL OF MINUTES**

Commissioner Gustafson moved to approve the minutes of the August 19, 2010, meeting as written. Commissioner Ryan seconded the motion and it passed unanimously.

**3. OLD BUSINESS**

None.

**4. NEW BUSINESS**

**Item No. 1 – Case No. Z-09-01-10 – Public Hearing on request to rezone property at the northwest corner of Webster and Pine from “RG” General Residential to “RD” Duplex Residential District.**

Chairman Steinfort called the public hearing to order on the request of Larry Johnson, Cornerstone Realty, LLC, agent for Sheree L. Hemmingway, owner, to rezone the property at the northwest corner of Webster Street and Pine Street from “RG” General Residential to “RD” Duplex Residential.

Mr. Yearout stated the applicant is requesting a straight zoning change to “RD” Duplex Residential, which is similar to the zoning immediately to the east. In previous discussions with several people regarding this property, staff has recommended using the “PDD” Planned Development District in order to provide the greatest level of assurances that the infill development would be compatible with the surrounding neighborhood. Regardless of the other zoning in the area, the vast majority of dwellings are single-family. This rezoning allows duplexes.

He compared this proposal with the Good Samaritan development on 5<sup>th</sup> Street that came through the "PDD" Planned Development District rezoning in order to address the adjustments necessary for that project to move forward. Staff strongly believes that this property should be handled in the same manner in order to provide both the flexibility in the approval process and the higher degree of assurances to the neighbors of what specifically is being approved.

Mr. Yearout stated that If the rezoning is approved as requested, the only review by staff will be for the building permits. And because this will only be a duplex or a single-family home. And staff believes it is likely that variances will be necessary for the duplex development to fully work, based on information reviewed by staff to date. Mr. Yearout stated the "PDD" Planned Development District would allow those modifications to the setbacks and other development related issues in the proper manner. The use of the "variances" in the past is not the way to deal with these types of issues.

Mr. Yearout stated it is staff's recommendation to deny the proposed rezoning from "RG" General Residential to "RD" Duplex Residential because it would not be in the best interest of the City for the reasons stated in the staff report and at this public hearing.

Chairman Steinfort asked if there were any questions from the Commissioners for staff.

Commissioner Mortensen asked if the rezoning would just allow duplexes and that a "PDD" would allow the Commission to review layout design and construction proposals.

Mr. Yearout stated the "RD" zone would also allow single family. The "PDD" would allow for review of a proposed development. The current lot size is 50' x 140' which is not enough width for duplex development without reconfiguration of the lot lines and possible variances for setback requirements. The "PDD" allows the City to grant setback exceptions and address other development-related issues. Mr. Yearout noted the adjustments granted in the "PDD" for the Good Samaritan project.

Commissioner Ryan questioned whether there were storm sewers underneath any of the property and if development would impact the sewer and drainage issues.

Mr. Yearout stated that the storm sewer lines are along Pine and Webster and that proposes a potential problem for driveways. The overall drainage issues have been resolved because of the storm sewer improvements, but the integrity of the storm sewer improvements will need to be managed as development moves forward.

Commissioner Gustafson asked for clarification on the aerial, because it only indicated one large lot for this property and there has been discussion regarding reconfiguration of the lots.

Mr. Yearout stated the property is platted as six lots, all the 50' by 140' size. However, because the property is under one ownership the City's GIS map shows this as one lot.

There being no further questions of staff, Chairman Steinfort opened the hearing for comments or questions from the public.



Mr. Larry Johnson, representing the applicant, reviewed the reason for the rezoning request. He indicated they wished to have simple "RD" Duplex Residential zoning because that was consistent with the zoning to the east and the "PDD" process was too costly. The proposal is to build two units immediately and another more in the future as demand dictates. The PDD would require a development plan showing how the property would be developed and the applicant has not determined exactly what would be done beyond the first two duplexes.

Mr. Johnson indicated the duplexes would be under single ownership at this time but it is possible the units could be sold separately in the future. He stated the fire hydrant on Pine Street creates a problem for driveways, which will most likely result in variance requests. He noted the setback approved for the lots on Pine Street and Clay Street are only 20 feet and what is desired on this property is similar to that project. Mr. Johnson said the trees will be removed at the northwest corner of the property and some of the dirt will be used to help fill the low spots on the property to create pad sites for the duplexes. Mr. Johnson presented sample pictures of what the proposed duplexes could resemble.

Mr. Yearout noted that the Hidden Valley development that resulted in the reduced front yard setbacks was because of the platting of the property and not separate variances. There is no replatting of this property proposed or required by the current regulations based on the proposed development. Mr. Yearout further stated the fact that variances or other adjustments were going to be necessary was the primary reason for recommending this be processed as a Planned Development District, which allows all the adjustments that will be necessary.

Chairman Steinfort asked if there was anyone else wishing to speak on this application.

Martin Hemmingway, 506 W. Oak, stated he is the owner of the property, although it is titled in his wife's name. He stated they have owned the property for a number of years and just want to be able to develop the property. He stated he believes the rezoning to duplex development is the best avenue for this property. He was led to believe that a PDD rezoning was too expensive. He stressed that he had maintained the property, paid all his taxes, and did not want to develop anything that would harm the neighborhood or the community.

Abe Burke, 611 W. Pine, stated he lives in the area and he believed there are too many "what if's" regarding the proposed duplex zoning. Six lots could mean 12 duplexes, which could mean twelve families with children. He stated he was concerned with the development of rental property in the area since virtually all of the new homes are owner occupied. He stated he believed the rezoning for this type of use was not appropriate for the area.

Hugh Dill, 911 Sunrise Hill Drive, stated he was a partner in the project and was the general contractor. He believed the maximum number of duplexes for this site would probably be three. The other lots, if built upon at all, will most likely be single-family homes.

There being no more comments, Chairman Steinfort closed the public hearing and opened the discussion to the Commission for questions or a motion.

Several Commissioners engaged in comments and observations that this was a difficult project because the individuals involved are well known and their reputations show that what is proposed would most likely be built. However, it was acknowledged that there are no guarantees the project would move forward once rezoned and without the overall development plan control of the PDD there are no assurances how the property would be developed. In addition, there has been acknowledgement by the applicant that some variances or other adjustments would be needed for the project to proceed as planned and the Commissioners did not like feeling forced into granting those because of the rezoning.

Mr. Yearout stated all these reasons were the basis for the recommendation to deny this request and why staff had urged the application for the PDD.

There being no further discussion, Chairman Steinfort asked for a recommendation from the Commission.

Commissioner Mortensen moved to recommend to the City Commission that Case No. Z-09-01-10, concerning the request of Larry Johnson, Cornerstone Realty, LLC, agent for Sheree L. Hemmingway, owner, to rezone the property at the northwest corner of Webster Street and Pine Street from "RG" General Residential to "RD" Duplex Residential be recommended for denial based on the reasoning stated in the staff report and as presented at this public hearing. Commissioner Ryan seconded the motion. Commissioners Dibben, Mortensen, Moyer, Ryan and Steinfort voted aye. Commissioner Gustafson voted nay. Chairman Steinfort noted that the motion carried 5 to 1.

#### **Item No. 2 – Case No. FP-09-01-10 – Final Plat of Simpson 2<sup>nd</sup> Addition.**

Chairman Steinfort called the case open for consideration of the final plat of the Sampson 2<sup>nd</sup> Addition, a replat of Lot 2, Block 1, Sampson Addition to Junction City, Kansas, as submitted by Kaw Valley Engineering, agent, on behalf of James D. Sampson, owner.

Mr. Yearout stated the staff is generally in support of the replat, but the staff report lists some minor modifications needed to the final plat document and the need to obtain direction from the MPC on a more serious issue. Mr. Yearout noted the minor issues of removing the signature block for the County Commission, which is not needed since this is a plat within the City, and to locate the printed names and titles for the MPC signature block below the signature lines. He also pointed out the request to obtain full access control along Chestnut Street and East Street in order to maintain safety to the traffic.

Mr. Yearout noted the major issue deals with the intent to utilize the existing drive access to East Street from the Holiday Inn Express to the north and the access point for this commercial development. Staff, including the City Engineer, is very supportive of this design, but the documents necessary to complete the designation of that drive entrance as a shared drive with this property must be done separately from this plat. Staff is aware of the intent to extend Hammonds Drive from the west to either a public road connection with East Street or at least with Cotty Drive. The idea of providing access on through to East Street is desirable, but if is intended to be a public street additional right-of-way may be needed from this property. This plat is the proper vehicle to obtain that right-of-way.

Josh Junghans, Kaw Valley Engineering, presented a concept plan showing the proposed access easements and the road to connect Hammond Drive with Cotty Drive as a public street and then provide a "travel easement" from that intersection to East Street along the south side of the Holiday Inn Express. As for the plat of Sampson's 2<sup>nd</sup> Addition, all the issues identified by staff have been resolved and shown on revised drawings presented to the MPC at this meeting.

Several Commissioners noted that the specific document dealing with all the issues regarding the proposed travel easement on the north side of this property needs to be prepared and submitted with the plat before the Commissioners would be comfortable with approving the replat. Virtually all of the Commissioners noted anecdotal instances of "promises" being made on development issues that never materialized because there were no written requirements and they did not want to continue that practice.

Commissioner Ryan moved to table Case No. FP-09-01-10, application of Kaw Valley Engineering, agent, on behalf of James D. Sampson, owner, requesting approval of Sampson 2<sup>nd</sup> Addition, a Replat of Lot 2, Block 1, Sampson Addition, Junction City, Kansas, until the next meeting in order for the documentation needed to address the travel easement and all the other issues raised by staff and at this meeting are submitted. Commissioner Moyer seconded the motion and it passed unanimously.

## **RECESS AS METROPOLITAN PLANNING COMMISSION**

Commissioner Dibben moved to recess as the Metropolitan Planning Commission and convene as the Board of Zoning Appeals. Commissioner Ryan seconded the motion and it carried unanimously.

## **CONVENE AS BOARD OF ZONING APPEALS**

### **1. OLD BUSINESS**

**Item No. 1 – Case No. BZACU-08-01-10 – Public Hearing on request for a Conditional Use Permit to allow the operation of a concrete batch plant.**

Chairman Steinfort called the continued public hearing to order on the request of Jon Penny, agent, for Penny Concrete, Inc., leaseholder, on land owned by Poland Farms requesting a Conditional Use Permit to operate a concrete batch plant on property adjacent to Highway 57, just north of Junction City, Kansas.

Mr. Yearout stated the applicant has requested another extension. He explained the time between the last meeting and this one was rather short and the applicant has not been able to acquire all the necessary data from the equipment manufacturer to prepare all the supporting documentation for the request.

Commissioner Gustafson moved to continue this case to the October 14, 2010, meeting as requested by the applicant. Commissioner Ryan seconded the motion and it carried unanimously.

## **2. NEW BUSINESS**

### **Item No. 1 – Case No. BZACU-09-01-10 – Pubic Hearing on request for a Conditional Use Permit to allow the establishment of a fuel outlet for Dillon's.**

Chairman Steinfort called the public hearing to order to consider the application of Rob Hartman, Professional Engineering Consultants, agent, for John Maldonado Centro Management, Inc., owner, requesting approval of a Conditional Use Permit to operate a fuel outlet at 1015 West 6<sup>th</sup> Street, Junction City, Kansas.

Mr. Yearout stated the proposed use requires a Conditional Use Permit in the "CSP" Special Commercial District, which is how all of 6<sup>th</sup> Street is zoned from the central business district to Eisenhower. He stated there are some other fuel facilities on 6<sup>th</sup> Street and this use will not be out of character with the development in the area. A site plan is submitted and the only issues that need to be addressed will be taken care of when the building permit is issued. The access from 6<sup>th</sup> Street is existing and there are no other issues that need addressed for the Conditional Use Permit action.

There being no questions of staff, Chairman Steinfort opened the public hearing for comments from the floor.

Mr. Rob Hartman, Professional Engineering Consultants, agent for the applicant, indicated the request was pretty straight forward. He stated that the kiosk facility will be manned from 7:00 a.m. to 10:00 p.m., but the pumps will be operational 24-hours a day. Mr. Hartman indicated that the trees would probably be retained for a buffer on the south side of the property and that the paved area will be completely redone. This would be necessary due to the construction anyway. He pointed out the location of the underground fuel tanks and the manner in which the pump island will be placed on the property.

There being no other appearances, Chairman Steinfort closed the public hearing and asked for discussion or a motion.

Commissioner Gustafson moved that Case No. BZACU-09-01-10 the application of Rob Hartman, Professional Engineering Consultants, agent, for John Maldonado Centro Management, Inc., owner, requesting Conditional Use Permit to operate a fuel outlet at 1015 West 6<sup>th</sup> Street, Junction City, Kansas, be approved as shown on the site plan dated August 12, 2010. Commissioner Ryan seconded the motion and it carried unanimously.

## **ADJOURN AS BOARD OF ZONING APPEALS**

Commissioner Moyer moved to adjourn as the Board of Zoning Appeals and reconvene as the Metropolitan Planning Commission. Commissioner Dibben seconded the motion and it carried unanimously.

## **RECONVENE AS METROPOLITAN PLANNING COMMISSION**

## **5. GENERAL DISCUSSION**

Mr. Yearout informed the Commission that Lisa Davies would be at the Work Session meeting next Thursday to present information regarding an update to the Sanitation Code.

Mr. Yearout then questioned the meeting schedule for November, which calls for the MPC meeting being on November 11. That is Veteran's Day and a holiday for the City and County. Mr. Yearout suggested moving the November meeting to November 18 and not having the work session unless there is a light agenda.

Commissioner Gustafson moved to cancel the November 11 meeting because of the holiday and reschedule the regular meeting for November to November 18, 2010. Commissioner Moyer seconded the motion and it carried unanimously.

## **6. ADJOURNMENT**

Commissioner Gustafson moved to adjourn at 8:43 p.m. Commissioner Mortensen seconded the motion and it carried unanimously.

**PASSED AND APPROVED THIS \_\_\_\_\_ day of October, 2010.**

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**Mike Steinfort, Chairman**

**ATTEST:**

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**David L. Yearout, AICP, Secretary**

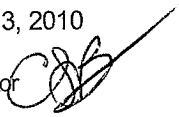
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## City of Junction City

### City Commission

#### Agenda Memo

October 13, 2010

**From:** Cheryl S. Beatty, Finance Director   
**To:** City Commission  
**Subject:** Energy Audit Presentation

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**Objective:** Comprehensive Energy Audit of City Buildings and Facilities to Save Energy and Funds.

**Explanation of Issue:** The State of Kansas Department of Energy launched a program for public buildings to look at energy use. With that program several companies met state adopted criteria to complete energy audits on public buildings and facilities. The program is based on performance contracts. Schneider Electric is one of several companies approved by the State and they have contacted the City of Junction City to present what services they have available to meet complete an energy audit for the City. Their presentation will include:

- What is performance contracting
- How does it work
- The process-including free portions and commitments from the city
- Results of feasibility assessment
- Identified areas for energy savings/revenue generation opportunities.
- Schneider electric's recommendation to move forward with preliminary audit- this is at no cost to the city

**Budget Impact:** There is no budget impact for the 2010 or 2011 budget. The energy audit is at no charge. This is a long-term plan which we would commit to funding in 2012.

**Alternatives:** It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

1. Approve participation in energy audit program with Schneider Electric.
2. Disapprove participation in energy audit program with Schneider Electric.
3. Table the request.

**Suggested Motion:**

Schneider Electric requests that we sign letter of interest.

Commissioner \_\_\_\_\_ moved that they authorize the Mayor to sign a letter of interest for an energy audit by Schneider Electric.

Commissioner \_\_\_\_\_ seconded the motion.

**Recommendation:** Staff recommends that we participate in the energy audit.

**Enclosures:** Schneider Electric Company Profile

Article: Kansas Energy Savings Performance Contracting



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### Company profile

#### Energy Challenge

Energy and climate change

Smart Grid

Word from the experts

#### Profile

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What we do

Our markets

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#### Latest event



June 25, Jean-Pascal Tricoire, President and CEO of Schneider Electric, participated to the United Nations Global Compact Leaders Summit 2010. At this event, dedicated to sustainability, Jean-Pascal Tricoire highlighted our Access to energy programme Bigbop.

Watch the video to view Jean-Pascal Tricoire's speech (from 01:01:53 to 01:07:01)

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From the 1st May to the 31st October, Schneider Electric contributes to the creation of a new urban model!

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2009 Annual  
Report and 2010  
Business and  
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Development  
Report

##### Schneider Electric in figures

**€15.8 billion**  
in sales in 2009

**100,000+**  
employees in more than 100  
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**34%**  
of revenue in emerging countries

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segment

##### Presence in the world

The Group's international  
operations

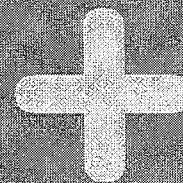
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# Kansas Energy Savings Performance Contracting



## Projects in Kansas

### Unified School Districts

Basehor-Linwood USD 458  
Chanute USD 413  
Circle USD 375  
Clearwater USD 264  
Ellis USD 388  
Ellsworth USD 327  
Eudora USD 491  
Fredonia USD 484  
Highland USD 425  
Hoisington USD 431  
Holton USD 336  
Iola USD 257  
Jefferson County North USD 339  
Kansas State School for the Blind  
Lansing USD 469  
Midway USD 433  
Northeast USD 246  
Parsons USD 503  
Perry USD 343  
Rawlins County USD 105  
Renwick USD 267  
Rose Hill USD 394  
Sabetha USD 441  
Santa Fe Trail USD 434  
Seaman USD 345  
Shawnee Heights USD 450  
Wathena USD 406  
Wellsville USD 289

### Cities

City of Burlingame  
City of Newton  
City of Wichita

### Counties

Wichita County  
Wilson County

### Higher Education Institutions

Manhattan Area Technical College  
North Central Kansas Technical College

### Hospitals

Nemaha Valley Community Hospital  
Rawlins County Health Center  
Smith County Memorial Hospital  
Sumner Regional Medical Center

### Commercial Buildings

Garvey Center – Wichita

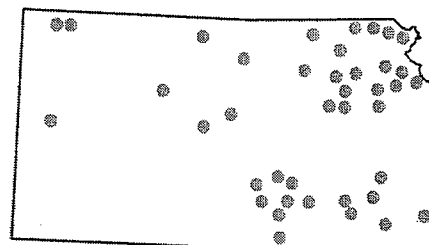
## We Deliver Enduring Performance®

At Schneider Electric, we provide turnkey solutions to reduce the energy and operational inefficiencies of your building systems and infrastructure. We fulfill the critical role of first uncovering the real causes of facility issues. Clients' needs come first and accountability on all levels is simply a way of doing business for Schneider Electric.

Enduring performance provides more than just peace of mind. By focusing intently on diagnosis and education, Schneider Electric ensures that the projects developed minimize owners' risk while delivering relevant business value to customers. **We Deliver Solutions. We Deliver Enduring Performance.** Here is how Schneider Electric delivers on its promises:

### We deliver experience in Kansas.

Schneider Electric has helped more Kansas clients improve their facilities through performance contracting than any other company in the industry. The 40 Kansas entities listed on the left column have turned to Schneider Electric as a partner to solve facility issues through our guaranteed energy savings performance contracts.



**We deliver real guaranteed energy savings.** Schneider Electric is the only company in Kansas that consistently and competently provides a money-back energy savings guarantee. While many companies say they will guarantee savings, only Schneider Electric backs that guarantee with a check. If the guaranteed savings do not occur, Schneider Electric will write a check for the difference. For example, at Fredonia USD 484, a savings shortfall of \$8,665 occurred in the second year of the guarantee period, and the district received a check for that amount.

**We deliver personalized solutions.** A Schneider Electric performance contract provides clients control over project outcome. Open communication is the cornerstone of all successful projects; we strive to collaborate with our clients to resolve the problems that are most important to them. Additionally, Schneider Electric projects are product independent and are not tied to any brands, products or lenders. Every component of a Schneider Electric performance contracting project is tailored to your individual needs.

**We deliver an ethical approach.** Schneider Electric would rather decline to pursue a project that is not a good fit for a performance contract than create a negative situation for one of our customers. From start to finish, Schneider Electric is looking to provide projects that serve out customers' best interest — in both the short and long term. Our growing list of satisfied customers speaks to the appeal and success of our ethical approach.

Make the most of your energy<sup>sm</sup>

**Schneider**  
Electric

# Kansas Energy Savings Performance Contracting



"Schneider Electric always went the extra mile to be sure the district was satisfied with all aspects of the project. Schneider Electric has the district's highest recommendation as a performance contracting company. Their customer satisfaction promise is second to none. We would work with them again with no hesitation."

Dr. Deborah Perbeck  
Superintendent,  
Parsons USD 503

"Everyone associated with Schneider Electric over all facets of the project always displayed top-notch professionalism and competence. All of their work was done in a timely fashion. Communications were handled promptly and clearly. The distance between our district and their office was never an obstacle to getting service. I would highly recommend Schneider Electric to anyone considering conservation improvements to their buildings. We were certainly pleased with the work they did for us."

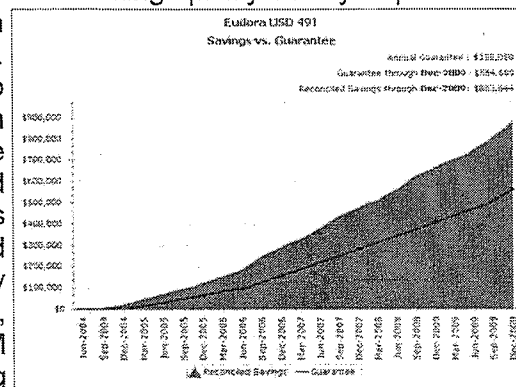
Mark Wolters  
Superintendent,  
Rawlins County USD 105

"Their work and demeanor have been the most professional I have ever been around. Their dedication and attention to detail and customer concerns are second to none. This is an excellent company with a clear vision and mission that is engrained in all of its employees."

Don Swartz  
Director of Construction Services,  
Eudora USD 491

**We deliver the lowest-risk solutions.** We educate our clients on the potential risks of performance contracting and the measures that take the burden of these risks away from the client. One way that we do this is with our Performance Assurance Support Services department, which upholds the savings guarantee and serves as support during the guarantee period. The PASS department ensures sustainability of the savings and performance of the measures installed as well as providing troubleshooting and monitoring assistance to customers throughout the guarantee period.

**We deliver continued accountability.** Schneider Electric is the only company that has a proven track record of both installing quality facility improvement projects and continuing to work with clients to ensure long-term success. We monitor clients' facilities to help foresee any issues or concerns with building operation, often before the client. We continue to have a vested interest in our clients' success through ongoing measurement and verification monitoring services, utility data accounting and reporting, real-time technical support, ECM consulting, site visits and ongoing training.



**We deliver environmental impact.** Customers of Schneider Electric see the benefits of environmentally conscientious projects, as our performance contracts are designed to ensure sustainability. This movement toward sustainability has allowed us to develop and provide environmentally friendly solutions for clients and facilities that preserve natural resources. We collaborate with the U.S. Council of Green Buildings for the LEED program and the Department of Energy for Energy Star ratings. Additionally, our projects have a positive impact on the environment. For example, the Kansas State School of the Blind annually saves energy equal to planting 238 acres of trees or the energy equivalent to annually removing 175 cars from the road.

**We deliver financial stability.** Schneider Electric is the industry leader in building power, control and energy management in the world. Annual sales of \$22 Billion worldwide provide Schneider Electric and our clients the financial strength to be able to stand behind a long-term performance guarantee. Over the past 18 years, Schneider Electric has implemented more than 400 performance contracting projects in 27 states across America, resulting in over \$800,000,000 in facility improvements and \$65,000,000 in guaranteed savings to date.

**We strive to become your trusted buildings advisor,** working with you to develop solutions that improve your facilities, increase occupant satisfaction and productivity and deliver long-term performance. We look forward to helping you make the most of your energy for years to come.



**Schneider Electric**  
16011 College Blvd. Suite 212  
Lenexa, KS 66219

**Megan Berry**  
Account Executive  
(913) 961-6950  
Megan.berry@  
buildings.schneider-electric.com



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## City of Junction City

### City Commission

#### Agenda Memo

October 19, 2010

**From:** Gerry Vernon, City Manager  
**To:** City Commission  
**Subject:** **Grandview Plaza water contract amendment**

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**Objective:** Approval of Resolution 2632 that authorizes a contract amendment with Grandview Plaza to increase the maximum amount of water Junction City will supply and to increase Grandview Plaza's water rate to a 15% premium for all water supplied after July 1, 2011.

**Explanation of Issue:** Grandview Plaza approached Junction City about one year ago for a contract amendment to increase the maximum supplied by Junction City from 390,000 gallons per day to 648,000 gallons per day. The request for the increase stemmed from a proposed large apartment development in Grandview Plaza. The Junction City Commission did not approve the amendment due to fire flow considerations as well as concern over the large number of lots available for the same type development in Junction City. The fire flow issue was addressed in an April 20, 2009 Burns & McDonald memorandum. The fire flow limitations are acknowledged and referenced in the new contract amendment. Secondly, while the Commission should be concerned with our housing issue and continue to encourage development of the vacant parcels in Junction City, the Commission should also consider that growth in the region also benefits Junction City for two primary reasons: 1.) Sales tax revenue - Given the amenities and shopping choices of Junction City, this revenue will only increase with population growth in Grandview Plaza and Geary County. 2.) Franchise business opportunities will only improve with regional growth. The Junction City community is ravenous for franchise restaurants, franchise pharmacies, and other franchise businesses. The population thresholds for these businesses extend well beyond corporate city boundaries and growth in Grandview Plaza and Geary County will only accelerate their locating here in Junction City.

**Budget Impact:** There will be no immediate budgetary impact as the premium rate will not be applied until July 2011. However, future budgets will be positively impacted by \$15,000.00 per calendar year based on conservative estimates using average annual usage.

**Alternatives:** The Commission may approve, deny, or postpone this item.

**Recommendation:** Staff recommends approval of this resolution.

**Enclosures:** Resolution

RESOLUTION R-2632

A RESOLUTION APPROVING AMENDEMENT TO WATER CONTRACT BETWEEN THE CITY OF JUNCTION CITY, KANSAS AND THE CITY OF GRANDVIEW PLAZA, KANSAS

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF JUNCTION CITY, KANSAS, THAT:

1. The Amendment to Water Contract between the City of Junction City, Kansas and the City of Grandview Plaza, Kansas, in the form attached hereto, is hereby approved, and the execution of the Amendment to Water Contract by the Mayor is hereby authorized.
2. The Mayor, City Clerk and other officials of the City are authorized and directed to execute and deliver such other documents and agreements as such officials deem necessary or appropriate to carry out the foregoing resolutions.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS THIS 19th DAY OF October, 2010.

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Mike Rhodes  
Mayor

Attest:

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Tyler Ficken  
City Clerk

## AMENDMENT TO WATER CONTRACT

This Amendment to Water Contract ("Amendment") is made as of the \_\_\_\_ day of \_\_\_\_\_, 2010, by and between the City of Junction City, Kansas, a municipal corporation ("City of Junction City") and the City of Grandview Plaza, Kansas, a municipal corporation ("City of Grandview Plaza").

### BACKGROUND:

A. The City of Junction City and the City of Grandview Plaza are bound under that certain Water Contract dated August 2, 1989 (the "Contract") whereby the City of Junction City agreed to supply the City of Grandview Plaza a peak flow of not to exceed 270 gallons of water per minute for a total water supply of not to exceed 390,000 gallons per day.

B. The City of Grandview Plaza desires to increase the maximum water that can be supplied under the Contract to a peak flow of not to exceed 450 gallons per minute for a total water supply of not to exceed 648,000 gallons per day.

C. At the request of the City of Junction City, Burns & McDonnell Engineering Company (the "City Engineer Consultant") has determined that an increase in the peak flow of water is within the capabilities of Junction City's water supply, subject to certain limitations on simultaneous fire flows capability.

NOW, THEREFORE, the parties hereto, in consideration of the mutual promises and covenants contained herein and in the Contract, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

1. Defined Terms. All capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to them in the Contract.

2. Required Water Supply. Section 4(a) of the Contract is hereby amended to read in its entirety as follows:

4. Required Water Supply. (a) Commencing July 1, 2011, the City of Junction City agrees to supply to the City of Grandview Plaza water in quantities not to exceed four hundred fifty (450) gallons of water per minute, or six hundred forty eight thousand (648,000) gallons per day. If the consumption requirements of the City of Grandview Plaza exceed the maximum amounts specified in this section, the parties shall reevaluate the required maximum water supply to the City of Grandview Plaza. Failure to agree upon a new maximum water supply acceptable to both the City of Grandview Plaza and the City of Junction City shall be cause for termination of this contract.

3. Water Rates. Section 5 of the Contract is hereby amended to read in its entirety as follows:

5. Water Rates. Effective July 1, 2011, the rate charged for the water sold to the City of Grandview Plaza by the City of Junction City shall be a monthly master meter charge of \$450.00, plus a monthly charge for water usage at a rate of \$2.01 per 100 cubic feet of water usage. Each year commencing with 2012, on the first day of August, the above water rates shall be adjusted by the amount of the increase or decrease in the Consumer Price Index, as published, for the preceding twelve months.

4. Temporary Limitations on Supply. Section 12 of the Contract is deleted.

5. Simultaneous Fire Flow. A new Section 21 is added to the Contract to read as follows:

21. Simultaneous Fire Flow. The parties acknowledge that they have been informed of the limitations on the simultaneous fire flow capacity of the water system described in a Memorandum dated April 20, 2009 from the City Engineering Consultant to the City of Junction City regarding Water Supply to Grandview Plaza.

6. Ratify Contract. Except as herein amended, the Contract shall remain in full force and effect.

7. Effective. This Amendment will be effective when approved by the Governing Bodies of the City of Junction City and the City of Grandview Plaza..

**IN WITNESS WHEREOF**, the above and foregoing Amendment has been executed by each of the parties hereto and made effective on the day and year first above written.

CITY OF JUNCTION CITY, KANSAS

By: \_\_\_\_\_  
Michael Rhodes, Mayor

Attest:

\_\_\_\_\_  
Tyler Ficken, City Clerk

CITY OF GRANDVIEW PLAZA,  
KANSAS

By: \_\_\_\_\_  
Ken Hall, Mayor

Attest:

\_\_\_\_\_  
Shirley Bowers, City Clerk